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THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

(Official Report of the Fifth Session)

Volume LIV—No. 9.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

The Assembly met in the Assembly House, Calcutta, on Thursday, the 25th May, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. Azizul Haque, C.I.E) in the Chair, 9 Hon'ble Ministers and 211 members.

STARRED QUESTIONS

(to which oral answers were given)

Donations for a Tuberculosis Sanatorium in Bengal.

*467. **Dr. SURESH CHANDRA BANERJEE:** (a) Is the Hon'ble Minister in charge of the Medical and Public Health Department aware—

(i) that the Government of Bengal in 1934, accepted a donation of Rs 2,82,000 from a Marwari philanthropist, for the erection of a Tuberculosis Sanatorium in Bengal; and

(ii) that an Expert Committee was appointed in the same year to find out a suitable site for the Sanatorium?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) when and to what effect did the Committee report; and

(ii) what action has been taken on the said report?

(c) Do the Government propose to expedite the matter?

MINISTER in charge of the MEDICAL and PUBLIC HEALTH DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) (*i*) Yes.

(*a*) (*ii*) and (*b*) (*i*) An informal Committee was appointed to examine the proposal for the establishment of a Tuberculosis Sanatorium at Kalimpong in the Darjeeling district on the lines of a scheme suggested by Dr. A. C. Ukil. The Committee reported on 13th April, 1935, that Kalimpong satisfied the climatic requirements for a Sanatorium for tuberculosis patients and that in the opinion of the Committee there was no other place in Bengal which had the same climatic advantages.

(*b*) (*ii*) The actual weather conditions were examined by employing observers in the monsoon and various other sites were also examined. The site for the sanatorium has not yet been finally selected but Government have decided that a climatic sanatorium for tuberculosis will be established in Bengal.

(*c*) Yes. The matter will be expedited as far as possible.

Dr. SURESH CHANDRA BANERJEE: মাননীয় মন্ত্রীমহাশয় জানাবেন কি, গত বৎসর এই টিউবারকুলোসিস স্যানিটোরিয়মের জন্য এক লক্ষ টাকা গভর্ণমেন্টের তরফ থেকে বরাদ্দ হোয়েছিল কি না?

The Hon'ble Mr. TAMIZUDDIN KHAN: I think so, Sir.

Dr. SURESH CHANDRA BANERJEE: এবং সেই টাকাটা পরদা কলেজের জন্য খরচ হোয়েছে কি না?

Mr. SPEAKER: That question does not arise.

Dr. SURESH CHANDRA BANERJEE: Sir, the Hon'ble Minister has said that the matter will be expedited.

মাননীয় মন্ত্রীমহাশয় বলেছেন যে the matter will be expedited as far as possible কিন্তু ১৯৩৫ সাল থেকে এই জিনিষটা চোলছে। মাননীয় মন্ত্রীমহাশয় জানাবেন কি, এই বিশেষ বিভাগের কাজ সম্বন্ধে একটা সময়সীমা কি নির্দ্দেশ করেছেন?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I am anxious to do it as soon as possible, but it is not possible for me to give any idea of the exact time required.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether there was an opposition from the Kalimpong public to the establishment of a sanatorium there?

Mr. SPEAKER: I think that is too well known.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether that opposition has been withdrawn?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what are the reasons for which the Government say that the establishment of a sanatorium at Kalimpong will be expedited even when the opposition has not been withdrawn?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, there is the opposition, and we have to do many things in spite of opposition.

Mr. SURENDRA NATH BISWAS: Do the Government propose that in spite of the opposition they will establish a sanatorium there?

The Hon'ble Mr. TAMIZUDDIN KHAN: Government have not yet come to any decision but are trying to do so. I think questions like this are only placing difficulties in the way.

Dr. SURESH CHANDRA BANERJEE: মাননীয় স্পীকারমহাশয় জানেন কি সুইজারল্যাণ্ডে এই রকম বহু টিউবারকুলোসিস সেনিটোরিয়ম আছে, এবং সেগুলি সেখানে থাকা সত্ত্বেও সেখানকার কোন লোকই T. B. তে আক্রান্ত হয় না।

Mr. SPEAKER: That is Switzerland and this is Kalimpong.

Dr. SURESH CHANDRA BANERJEE: Sir, the question also applies here.

Mr. HARIPADA CHATTOPADHYAY: Is the Hon'ble Minister aware that even in Madanapalli in Madras there is a sanatorium, but up to this time no person of the locality has been affected by tuberculosis?

Mr. SPEAKER: I think, you had better inform the Kalimpong people about this.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state by what time at the latest Government hope to come to a decision on the matter?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already answered that.

Mr. SPEAKER: That question has not been answered during the last two years. How can you expect an answer to-day? (Laughter.)

Dr. NALINAKSHA SANYAL: Let us have some idea about the approximate time.

The Hon'ble Mr. TAMIZUDDIN KHAN: I have already said that it is not possible for me to specify exactly what time may be necessary for coming to a decision.

Mr. J. W. CHIPPENDALE: Is the Government aware that there is a very strong opposition in Kalimpong to the establishment of a tuberculosis sanatorium in that place?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir, there has been some uninformed opposition from Kalimpong.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government can assure the public that a sanatorium will be established at Kalimpong?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir. I would refer my honourable friend to my answer to question (b) (iv).

Appointments from various communities under the Revenue Minister.

*468. **Mr. RASIK LAL BISWAS:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement of appointments made from the—

(i) Moslems,

(ii) Scheduled Castes, and

(iii) Caste Hindus,

in the last official year in all the departments under him at the office of the provincial headquarters as also in the different districts, district by district, as—

(a) clerks, both permanent and temporary,

(b) peons, permanent and temporary, and

(c) officers?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): A statement is laid on the Library table.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় দয়া করে বোলবেন কি ত্রিপুরা ডিষ্ট্রিক্টে যত পারমানেন্ট clerk আছে তার ১০ জন মুসলমান, ১০ জন Caste হিন্দু এবং একজনও তার মধ্যে Scheduled Castes নেই এবং temporary clerk এর মধ্যে ১৫ জন মুসলমান ১০ জন Caste হিন্দু আর মাত্র একজন Scheduled Castes. Scheduled Castes থেকে temporary এত কম হবার কারণ কি?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: These are the facts. It is very difficult for me to state what are the reasons.

Mr. RASIK LAL BISWAS: নোয়াখালী district এ ৬ জন মুসলমান, ৬ জন Caste হিন্দু——

Mr. SPEAKER: I am afraid you cannot bring this individual question, you can put your question in a general way.

Mr. RASIK LAL BISWAS: আচ্ছা সেই কথাই জিজ্ঞাসা কোরছি। মন্ত্রীমহাশয় দয়া কোরে বোলবেন কি নোয়াখালী, ত্রিপুরা, চট্টগ্রাম, ময়মনসিং, ঢাকা, খুলনা, বরিশাল, নদীয়া, মেদিনীপুর, বর্দ্ধমান, জলপাইগুড়ি রংপুর, এই সকল জেলার অন্যান্য সম্প্রদায়ের তুলনায় Scheduled Castes এর কে চাকরী পেয়েছে সে অত্যন্ত কম। এটা কম হবার কি কারণ আছে মন্ত্রীমহাশয় দয়া কোরে জানাবেন কি?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is very difficult for me to give an offhand answer to this question, but I presume that no suitable candidates were available.

Mr. DHIRENDRA NATH DATTA: What is the basis of your assumption that no suitable candidates were available?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am applying my commonsense.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় দয়া করে বোলবেন কি এত কম যে Scheduled Castes থেকে নিয়ক্ত কোরেছেন সেটা কি গভর্ণমেন্টের policy র জন্য না নিজের খামখেয়ালীর জন্য।

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I can assure my honourable friend that I never care to enquire who is a Scheduled Caste and who is a Caste Hindu. Personally I make no distinction, but my sympathies are entirely with the Scheduled Castes. It is very difficult for me, however, to answer what considerations actually weighed with the appointing authorities in these particular districts, but I presume that suitable candidates were probably not available.

Babu PREMHARI BARMA: Will the Hon'ble Minister be pleased to state whether in view of his sympathy for the Scheduled Castes he had issued any circular to the appointing authorities for appointing candidates belonging to the Scheduled Castes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: A circular has been issued, and Government always insist that the circular should be followed by the local officers very strictly.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় দয়া কোরে বোলবেন কি পশ্চিম জিলায় কত per cent. vacancy Scheduled Castes দ্বারা fill up করবার জন্য circular দিয়েছেন?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As regards the percentage of the Scheduled Castes, circulars were issued by the late Government once in 1926, and another in 1934, and, of course, the percentage varies from district to district according to the proportion of population and the number of educated Scheduled Castes people in the different districts. It is not possible for me to give an answer offhand.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রীমহাশয় জানাবেন কি বর্ত্তমান গভর্ণমেন্ট এ সম্বন্ধে কোন circular দিয়েছেন কি না?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir. The present Government's policy is to stick strictly to the policy of the previous Government till the question of the services ratio is settled.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রীমহাশয় অনুগ্রহ কোরে জানাবেন কি, তার circular পাওয়া সত্ত্বেও কেন Scheduled Castes রা চাকরী কম পাচ্ছে? এ সম্বন্ধে তিনি enquiry কোরেছেন কি না?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, in those particular cases we did not make an enquiry. But now that my attention has been drawn to these particular cases, Government will be pleased to hold an enquiry.

Babu NARENDRA NARAYAN CHAKRABARTY: Thank you, Sir.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state if in filling up these vacancies, consideration shown to the claims of persons who were discharged on account of the closing down of the settlement operations?

Mr. SPEAKER: That question does not arise.

Mr. RASIK LAL BISWAS: যদি মন্ত্রীমহাশয়ের দৃষ্টি আকর্ষণ করা যায়ে, কতগুলি district এর নাম কোরে যে সেখানে চাকরী Scheduled Castes দেওয়া হয়েছে। মন্ত্রীমহাশয় অনুগ্রহ কোরে enquiry কোরে সেখানে যে circular বাদে দিয়েছেন সেই circular অনুসারে চাকরী Scheduled Castes যা যাতে পায় তার ব্যবস্থা করবেন কি?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Appointments from various communities under Revenue Department.

*469. **Maulvi ABDUL HAMID SHAH:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(a) the number of appointments made in each of the cadres of services under him during the period from 24th August to 24th February last;

(b) the number of Muhammadans, Scheduled Castes and Caste Hindus amongst those mentioned in (a); and

(c) the number of vacancies in each of the cadres of services under him, of which the appointments have been kept in abeyance owing to the delay in the decision regarding the percentage resolution carried during the last August session of the Bengal Legislative Assembly?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: A statement is laid on the table.

Statement referred to in the reply to starred question No. 469.

Name of service	Number of appointments made		Number of posts filled up by—						Number of posts kept in abeyance.
			Muslims		Scheduled Castes		Caste Hindus		
	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent.	Temporary.	
(1) Office of Board of Revenue—Record Supplier		1						1	1
(2) Office of Board of Revenue—Clerks									
(3) Settlement Kanungoes									
(4) Office of Director of Land Records and Surveys, Bengal									
(5) Bengal Drawing Office		2		1					
(6) Bengal Traverse Party		206		45		149		9	
(7) Collector of Stamp Revenue, Calcutta	5	4	4	4			1		
(8) Office of 1st Land Acquisition Collector, Calcutta—									
(a) Clerks	1		1						1
(b) Surveyor and Valuer	1		1	6					1
(c) Process-server		1		1					1
(9) Clerical establishment in District offices (including subdivisional offices)	211	234	77	98	23	30	111	106	31
(10) Clerical establishment in Commissioners' offices	8	2		1		1	6		
(11) District Kanungoes	1	2	1	1				1	
(12) Office of the Land Revenue Commission		9		1					
Total	227	458	86	164	23	180	118	124	35

GOVERNMENT BILL.

The Bengal Money-lenders Bill, 1935.

Mr. SPEAKER: Honourable members know that I have had a circular issued about the order in which the different amendments of the Bengal Money-lenders Bill should be taken up. We will now take up clause 2 (19) and then the amendment of the Hon'ble Mr. Suhrawardy regarding clause 2 (10) (f), and so on.

Dr. NALINAKSHA SANYAL: Sir, let us go on with clause 2 (19) first as you proposed yesterday, and thereafter we will see what to take up after we examine the progress of the Bill. We may then determine the next item to be taken up.

Mr. SPEAKER: Very well. Let the amendments be moved formally first. Mr. Nagendra Nath Sen, will you now move the amendments that stand in your name?

Babu NAGENDRA NATH SEN: Yes, Sir.

I beg to move that in clause 2 (*19*), line 2, the words "or Proceeding" be omitted.

I also beg to move that in clause 2 (*19*), after (c) the following explanation be inserted, namely:—

Explanation: "Proceeding" does not include or mean execution Proceedings.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in clause 2 (*19*) of the Hon'ble Mr. Suhrawardy's amendment moved on the 24th May, 1939, the words "or pending on that date" be omitted.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that the following proviso be added to clause 2 (*19*), namely:—

"Provided that the word 'Proceeding' does not mean Proceeding in execution of a decree passed before the 1st January, 1939."

Mr. SPEAKER: Mr. Chaudhuri, will you please speak now? The debate is now open.

Rai HARENDRA NATH CHAUDHURI: Yes, Sir.

Mr. Speaker, Sir, the amendment that I have moved will expose the hollowness of the arguments that were advanced by my honourable friend Mr. Shahabuddin against the procedure which has been adopted by you in the matter of the consideration of the Bill before us.

Sir, Mr. Shahabuddin raised the point that the procedure that has been adopted for the consideration of this Bill is responsible for the small progress that we are making in the matter of the consideration of this Bill. But, Sir, here is an instance to show how the Government is responsible for it and changing its mind on every issue. If you refer, Sir, to clause 2 (*19*), you will see that the amendment proposed by the Hon'ble Mr. Suhrawardy is the fourth version of the Government idea on the subject. If you turn to the original Bill, you will find, Sir, that this sub-clause, which now gives retrospective effect to the provisions of the Bill, originally did not contemplate any such thing at all. The words "before or" which are responsible for the sharp and somewhat confiscatory were introduced in the Select Committee, and Government agreed to that change. That gave a new turn to the provisions of the Bill.

The second change contemplated by the Government will be found on a reference to motion No. 338 in the appendix. There, Sir, you will find that the Hon'ble Mr. Suhrawardy was not at all anxious to make this clause applicable to pending suits or proceedings. Amendment No. 338 runs thus: "That in clause 2(19), after the words 'suit or proceedings' the words 'instituted on or after the 1st day of January, 1939,' be added." There was no reference to pending suits.

The net result of that amendment would have been that suits or proceedings instituted not before but after the 1st day of January, 1939, would only have been included within the operation of this Bill. But Hon'ble Mr. Suhrawardy's appetite has grown and again, you find a change in the Hon'ble Mr. Suhrawardy's proposal. He is going to move the amendment now in the following form, namely, that the words "instituted or filed on or after the 1st day of January, 1939, or pending on that date" be added.

Now, what will be the result of the present amendment? The result will be that not only suits or proceedings instituted or filed on or after the 1st day of January, 1939, will be affected by the provisions of the Bill, but even suits and proceedings pending on that date, *i.e.*, on the 1st January, 1939, will also come within the purview of this Bill. So there will be a much larger extension of the retrospective effect.

Now, let us contemplate a suit that was instituted in 1920, which on appeal was decreed, say, in 1926 or 1927, and thereafter the decree that was passed was put into execution without effect and kept alive by taking out execution every three years, and the decree might be still unsatisfied and execution proceedings pending on the 1st January 1939. Now, when this sub-clause refers to suits as well as to proceedings, you will find that besides suits pending on the 1st January, 1939 execution proceedings pending on the 1st January, 1939, will come within the purview of this Bill. If that be the fact, Sir, then, all the arguments that have been advanced by the Hon'ble Mr. Suhrawardy in support of his short notice amendment will have little application because Mr. Suhrawardy frankly expressed his apprehension only for rush litigation, the suits that might have been instituted after the 1st day of January, 1939,—the panicky suits—and the effect of rush litigation that he said could not be detected unless we introduced these words. That was his whole apprehension. Admitting that there are some grounds for his apprehension—though he has not been pleased to disclose his data at all—there can be no justification for including suits or proceedings on an anterior data within the purview of this Bill because these suits can never be described as suits in which the parties rushed to litigation to defeat or the parties were trying to avoid the provisions of this Act. If that be the case, then, I think, Mr. Suhrawardy has not been properly advised in bringing forward this

amendment of very much wider scope because he will be doing grave injustice to all people who have their suits pending in enforcement of their old and legal rights on the 1st January, 1939. I would, therefore, request the Hon'ble Mr. Suhrawardy to take these arguments into his consideration and not to move the amendment that he has now been advised to move but stick to his original amendment marked 338, because the net result of the amendment that I am moving would be to agree to the amendment that was proposed by the Hon'ble Mr. Suhrawardy himself and marked 338 in the Appendix. I have nothing more to say.

Mr. SPEAKER: Will it be possible for me to know, at this stage so far as this particular motion is concerned, how many speeches are likely to be made from the Opposition side? It is necessary for me to know this in order to adjust the time of the speeches.

Mr. SURENDRA NATH BISWAS: The movers of the amendments and a few others will speak, namely Mr. Dhirendra Nath Datta, Mr. Nagendra Nath Sen, Mr. Abu Hossain Sarkar and Mr. Md. Jalan.

Babu NAGENDRA NATH SEN: Sir, amendments numbered 338(E) and 338(E) have been proposed simply for the introduction of the word "proceeding" in the original clause 2 (19). The meaning of the word "proceeding" is very vague. There has been a considerable divergence of judicial opinion over the interpretation of this word. Many courts have held that suit under certain circumstances includes an appeal, includes execution proceedings, includes review, rehearing and matters like that. By sub-clause (18) to clause 2, it is going to be distinctly provided that suit includes an appeal. Whether in sub-clause (19), the word "proceeding", which has been used there, is intended to include execution proceedings or not, is not clear. Therefore, we request the Hon'ble Mr. Suhrawardy to make his position clear whether by the use of the word "proceeding" in sub-clause (19), he intends to include execution proceedings as well within the purview of sub-clause (19) of clause 2 of the Bill. A suit which was under the normal procedure a decree of a subordinate court in the mufussal has 12 years' lease of life, whereas with regard to decrees of the Hon'ble High Court, they would by Royal Charter have much larger lease of life. In the year 1939, decrees passed in the year 1927 are still executable; whether this is the intention of the sponsors of this piece of legislation, whether they want to include execution proceedings in respect of suits which were decreed in 1927, and later on up to the 31st December, 1938, within the purview of this Bill, is very difficult to grasp. If it is so intended, the result will be simply disastrous. That is my humble submission.

Mr. ABDULLA-AL-MAHMOOD: What is the disaster?

Babu NAGENDRA NATH SEN: The disaster will be that it will constitute a revolution which will be appalling. Persons who had got decrees when this piece of legislation was not thought of, when it was not the intention of the Government or either party in the country to invoke the aid of legislation to give relief to certain classes of debtors—persons who had or companies who had got decrees for themselves within the last 12 years—the difficulty would be for them to adjust to the present circumstances. It has been always held that the principles of *res judicata* whether of acquiescence or otherwise are not principles of absolute justice, but are principles of justice and convenience. In an ordered progressive society, we cannot live in Utopia. We must have some standards of giving relief to all sorts of people. Debtors and creditors are alike entitled to the protection of the Legislature. There may be bad creditors and there may be bad debtors as well. No one grudges the grant of relief to agricultural debtors or other debtors who are entitled to it. It has been always said that these debtors have been groaning under a heavy pressure of debt. That is quite true. But we must see, in order to give some relief to debtors which may be possible or which may not be possible, whether it will be just and convenient to disorganise the whole system of our jurisprudence and the whole system of judicial proceedings having been had before the judicial courts or before the courts of this country. Therefore, I request the Hon'ble Mr. Suhrawardy to tell definitely now and once whether by the word "proceeding", he intends to mean execution proceedings or by the word "proceeding" in sub-clause (19), he wants to make out sure that not only suits pending in the civil courts but certificate proceedings or such other suits pending in a revenue court are intended thereby, whether he intends to include execution proceedings thereby, and whether the original intention of the Bill was that there must be a provision like sub-clause (18) in which it could be made absolutely clear that suit includes also a proceeding. These proceedings also include execution proceedings. The language of the sub-clause is very clear—"suit to which this Act applies" means "any suit or proceeding instituted or filed on or after the 1st day of January, 1939, or pending on that date" and "for the recovery of a loan advanced before or after the commencement of this Act." It cannot be said without doing great injustice to the use of the language that an execution proceeding is a proceeding for the recovery of a loan advanced——

The Hon'ble Mr. H. S. SUHRAWARDY: If it is not, then it is not.

Dr. NALINAKSHA SANYAL: How do you interpret it

The Hon'ble Mr. H. S. SUHRAWARDY: I won't hazard it.

Rai HARENDRA NATH CHAUDHURI: Leave room for litigation.

Babu NAGENDRA NATH SEN: It is plain knowledge that after a loan has been converted into a decree it no longer remains in the domain of loan implying relationship between the parties, but it is converted into a decree of a court. Under these circumstances, for the enforcement of an agreement, for the recovery of a loan advanced, if that is the language here we do beseech the Hon'ble Mr. Suhrawardy to make it plain and unambiguous, so that by the word "proceeding" execution proceedings are not meant. Therefore my amendment No. 338B proposes that the words "or proceeding" be omitted and amendment 338E proposes that "proceeding does not include or mean execution proceedings." I want that something definite must be said here to the effect that instead of keeping the debtors and the creditors to the mercy of uncertain litigation the result of which no one can foresee, there ought to be a legislation self-contained and in which there can be no room for harassing debtors in a future proceeding before any courts. That is the whole thing which I want to make clear by the amendments 338B and 338E.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, the words "proceeding for the recovery of the loan advanced before or after the commencement of the Act" may be interpreted by certain courts to mean execution proceedings for the realisation of the decretal amount or for the enforcement of a decree. I feel the proceeding for the recovery of the loan does not mean execution proceeding. If it does, it will open the flood-gate of litigation. Therefore, in order to make the meaning clear, I wish to add the proviso that the proceeding does not mean proceeding in execution of a decree passed before the 1st January, 1939. Government probably do not mean that a decree which was passed 12 years back (Mr. Speaker, you know that a High Court decree can be kept alive for ages) or a decree which was passed 50 years back by the High Court, but if put into execution on or after the 1st of January, 1939, will come within the purview of this Act.

Mr. SPEAKER: Mr. Suhrawardy, may I know what is your opinion on this point. I think you have heard Mr. Datta?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes I have heard him, but I would not try and hazard a judgment. The point is quite all right, but the Bill will not become operative——

Mr. DHIRENDRA NATH DATTA: A decree may be passed by the High Court 50 years back and the execution may come in later——

The Hon'ble Mr. H. S. SUHRAWARDY: May I point out that by the definition itself the Bill will not become operative. It would not be operative by the definition itself whether it includes the execution proceedings or not. If the Bill becomes operative, it will become operative by certain clauses in the body of the Bill, for instance under clause 28 or clause 34. (A VOICE: Reopening transaction.) It is really clause 34 which will make the Bill operative.

Mr. SURENDRA NATH MOWAS: Then why do you amend your amendment No. 338.

Mr. DHIRENDRA NATH DATTA: I think unless it is made clear in the definition itself, it will open the flood-gate of litigation. As a matter of fact, I want to make it clear that if Government think that a decree which was passed by the Civil Court some 10 years back (it may be kept alive for 12 years under section 48, while a decree which was passed by the Hon'ble High Court can be kept alive for ages, it never dies—the only thing that is necessary is that the decree will be put into execution within 12 years) and a decree which was passed 50 years back and the execution started after the 1st of January, 1939, should not come within the purview of this law, then my proviso will make it clear. I hope Government will accept my amendment.

Maulvi ABU HOSSAIN SARKAR: I rise this evening to oppose all the amendments to clause 2 (19) moved by the Hon'ble Mr. Suhrawardy and other honourable members, because if those amendments are carried, the salutary provision of clause 34 of this Bill will be nugatory. Clause 2 (19) says that 'this Act will apply to any suit or proceeding'. The Hon'ble Mr. Suhrawardy wants to restrict it saying that this Act will apply only to suits and proceedings which will be pending on the 1st January, 1939, or all suits or proceedings which will be instituted after that date. Now the other amendments that have been proposed try to restrict the operation of the Act to suits only. Therefore I say if we very carefully read clause 34 it will be made practically nugatory. That clause says "notwithstanding anything contained in any law for the time being in force, the court may in any suit to which this Act applies whether heard *ex-parte* or otherwise exercise any or all of the following powers, namely—may reopen any transaction, take an account between the parties

"(b) Notwithstanding any agreement purporting to close previous dealings and to create new obligations, reopen any account already taken between the parties.

(c) Release the borrower of all liability in excess of the limits specified in sub-clauses (1) and (2) of section 28.

(d) If anything has been paid or allowed in account on or after the 1st day of January, 1939, in respect of the liability referred to in clause (c), order the lender to repay any sum which the court considers to be repayable in respect thereof."

This clause is clear, Sir, that if the Bill as recommended by the Select Committee is passed, it will enable the court to reopen all transactions, suits and proceedings passed or settled on not only on or after the 1st January, 1939, but any kind of decree, any kind of suit, any kind of proceedings which will be found pending before a court of law and deal with them. At the same time it says under clause 28, sub-clauses (1) and (2), that the courts will reopen all the transactions and can compel the decree-holder to repay all the money which he has received in excess of that prescribed by that section. If the operation of the Act is confined to suits or proceedings after 1st January, 1939, I submit that the borrower or the judgment-debtor, who is groaning under the debts which have been incurred before the passing of the Act, will be debarred from getting any benefit from this Act. Therefore, the amendments moved by the Hon'ble Mr. Suhrawardy as well as other honourable members should be rejected by the House.

Mr. I. D. JALAN: Sir, I beg to support the amendment moved by Mr. Nagendra Nath Sen and in supporting that amendment I am constrained to say that a good deal of difficulty has arisen on account of the fact that we do not know as yet the provisions which the Government wants to incorporate in this Bill. The difficulty becomes manifold when from day to day amendments are coming before the House which are very important and every word of which has got to be scanned before one can understand the meaning and import thereof but there is no time to consider the same. Sir, as yet we do not know as to which of the amendments of the Hon'ble Mr. Suhrawardy are going to be moved. I do not think that it is necessary for me to say that the different clauses of the Bill are inter-dependent. The words "suits to which the Act applies" has got connection with many sections of this Act and unless and until we know as to what the Government wants to do with regard to those particular sections, I submit, Sir, that it is practically impossible to appreciate the true meaning and implications of the said words. Now, Sir, the Act is going to have retrospective effect to a certain extent.

Maulvi ABDUL LATIF BISWAS: It should.

Mr. I. D. JALAN: Now we want to know clearly as to how far this Act will have a retrospective effect upon the decrees, execution proceedings, and other proceedings which have gone to the courts of

law in which thousands or even lakhs of rupees may have been spent because all of them will be effected inasmuch as there is no monetary limit fixed under this Act for its application. If you, Sir, analyse the Acts of various other provinces, you will find that Acts which have got retrospective effect have got certain very well-defined limitations. But so far as our Bill is concerned, it has no such limitations whatsoever. It will apply to a man who has incurred a debt to the extent of lakhs and lakhs of rupees and to decrees whether passed to-day or passed some time before. If you see section 34, you will find that the court has been given power to reopen certain transactions. Of course, there is a proviso—"provided that in the exercise of these powers the courts shall not do anything which affects any decree of a court other than a decree passed on or after the 1st January, 1939, and before the commencement of this Act."

Sir, if the Government insists upon this clause, then it is quite apparent that Government does not want to reopen decrees which were passed before the 1st January, 1939, and our arguments on this definition clause lose their force if this provision be not altered by Government. But if the Government wants to move an amendment which has been proposed by the Hon'ble Mr. Suhrawardy, according to which section 34 will affect decrees in suits to which this Act applies," the whole force of our arguments comes into prominence. Sir, it is a very serious matter when you are going to affect the proceedings of the highest judicial authority of the land. There may be any decree of a Privy Council or a court which may have been the result of years and years of litigation. If this be the position then certainly the public is entitled to know the exact extent to which such proceedings are to be affected by this Act. I may say that practically in all the provinces they have passed Money-lenders' Acts and in all of them they have incorporated a proviso that these Acts will not affect any decree of court. There is no such indication whatsoever in this Bill. In this House references have been made to the Bihar Money-lenders Act. I may cite the Bihar Money-lenders Act in which it is clearly stated that this provision shall not affect any decree of a court. If the Government wants to include the decrees of the court even of those decrees which have been passed 30 years before and in which execution proceedings are pending to-day, will the Government make it clear in unambiguous and unequivocal language so that the public may know that these are their intentions? If the Government do not want to make it clear or as the Hon'ble Mr. Suhrawardy says that he does not want to hazard any opinion on this subject, I say that the Government is shirking its responsibility. Government ought to stop the flood-tide of litigation which this clause will involve. As a matter of fact, I am constrained to say that the way in which we are proceeding with this Bill, the way in which we are considering these various clauses, is entirely unsatisfactory. You are playing with a very important piece

of legislation which affects the credit of this province. As a matter of fact, all transactions are at a standstill. I know for certain, as a lawyer in this city I can say, Sir, that at present for the last one month no important loan transactions are taking place in the whole of the market. As a matter of fact I as a solicitor may say that numerous transactions which have been pending have all been withheld simply to see how this Bill stands passed. Now we do not know the intentions of Government, whether the Hon'ble Mr. Suhrawardy is going to move the amendments to various clauses which stand in his name or the Bill will remain in the form in which it has emerged from the Select Committee and that is the reason why one party has been insisting time and again that Government ought to make its position, with regard to the Bill, clear. A decree may have been passed 30 years before, because there is no limit to the High Court decree, and execution may start tomorrow. Now you see that when the word proceedings remains, the whole decree has to be opened in order to find out as to what will be the interest. Can you say that this is a provision the responsibility for which any Government can take upon its shoulders? My friends may cry loud, but they ought to remember that we are not going merely to sit in this House but we have got to go out and see what the results are. You may treat it as a very unimportant matter, but those who understand it may very well say that this is a very serious and important matter. I would implore the Government if the Government is not able to make up its mind as to what are the provisions which they want to enforce, it is right and straightforward for the Government to postpone the discussions over the Bill for one month, make up its mind and present the whole picture before the House at the end of that period. If my friends have no faith in the Government, certainly it is a pitiable condition. But if my friends have faith in the Government, and if the Government is going to proceed with this Bill, no harm will be done; but in that case let Government take more time and let them present the whole picture before the House. All on a sudden we come to the House and find that the Government is not moving this amendment. Take the matter like the exclusion of commercial loan from the purview of this Act which was originally proposed in the original Bill but which had been left out by the Select Committee. The amendment regarding exclusion was again proposed by the Hon'ble Mr. Suhrawardy but was not moved again in the Assembly. This is a fact which can give no credit to any Government whatsoever. I would ask you to make the position absolutely clear that these are the provisions in the Bill, and then we can start with something definite to which we can make our contribution or suggestion which may be acceptable to this House or not. So far as this word is concerned, I submit that the word "proceeding" is open to severe misinterpretation and if it does affect execution proceedings, I say, Sir, it is a serious matter which the Government ought to consider.

Sir, so far as this section is concerned, it should be considered after section 34 and other sections have been considered by the House. That will be the proper time to understand its implications.

Sir, I do not want for one moment to delay the passage of this Bill. As a matter of fact, every one of us is eager to provide legitimate protection to honest and good debtors and to those agriculturists who have been groaning under debts for ages long; this however does not mean that we should rush through a legislation which is not a perfect piece of legislation but which is bound to open a flood-gate of litigation in future. I am constrained to say that the clauses which have been drafted are very imperfect. I have consulted several persons with regard to the exact meaning of these clauses, and I must say that it is very difficult to exactly know what these clauses actually mean and what are the import and meaning underlying them.

With these few words, Sir, I submit to Government to consider this position and, if possible, if Government can possibly do, I should suggest that the decision on this clause should at least be deferred until we come to the other sections of the Bill.

Mr. SPEAKER: May I know which of the members of the Coalition Group will speak on this amendment?

Maulvi ABDUL LATIF BISWAS: Sir, I desire to speak and Mr. Abdul Bari will also speak from this side.

Mr. SPEAKER: I hope you will not take more than ten minutes each.

Maulvi ABDUL LATIF BISWAS: We would not require even so much time, Sir.

Mr. SPEAKER: In that case, after Maulvi Abdul Latif Biswas and Maulvi Abdul Bari have spoken, the Hon'ble Mr. Suhrawardy and the Hon'ble Nawab Muhammad Hossain, Khan Bahadur, will speak by way of reply. May I know, Mr. Suhrawardy, how long you will take to speak?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I will not take more than five minutes.

Mr. SPEAKER: In that case what I propose is that if the discussion on these amendments is finished before I come back immediately

after the prayer interval, the recess may be extended by ten or fifteen minutes, as a special case, and after my return I shall put all the amendments to vote, provided the House has no objection.

(Cries of "No objection" from all sides of the House).

Then I suggest that after the replies are given, the House will be adjourned by Mr Deputy Speaker until I come back. I am very sorry to put the House into this difficulty.

Maulvi ABDUL LATIF BISWAS: Sir, at the outset I would like to make perfectly clear that I have been a bit rudely shocked at the attitude taken by the Opposition so far as these amendments are concerned. Sir, so long the Opposition cried hoarse to show their depth of feeling towards the masses of Bengal, but to-day we find that the cat has been out of the bag. Sir, they declared in the press and on the platform that the Congress is for the amelioration of the condition of the masses and of all the communities. (Dr. NARNARSHA SANYAL: But where is the rat?) My friend is asking, where is the rat? I may tell him that the mass is the rat and the Congress is the cat. (Loud laughter from the Congress Benches and cries of "splendid"). I know, Sir, that laughing will come from that side to-day because they know that their real intentions are going to be exposed. Government is trying its level best to do some justice to the down-trodden masses which have been groaning under the iniquities and injustice of the cruel-hearted money-lenders. We have all along found that the money-lenders are exacting blood from the helpless and poor masses.

Sir, by these amendments the Hon'ble Mr. Suhrawardy has tried to make it perfectly clear that if any injustice has been done, that has to be rectified. He means to say that if any decree remains unsatisfied and if any proceeding is pending, then it will be within the purview of the Act that these things should be reviewed. What is the real intention of the Government? But now, Sir, I have already said that, and I am saying it now, that Mr Datta and others, who were so long championing the cause of the debtors, are coming forward to do some justice to the capitalists and money-lenders who are their real friends. Is it because the debtors may get some relief that Mr Datta is going to deprive them of it? Can he say that by doing that he is going to do justice to the debtors? Is this his definition of the relief that he likes to give to the down-trodden masses and debtors of this province? Sir, it is clear that this country is being impoverished by the money-lenders in a sense that all the resources which were in the house of the cultivators and the masses have found their place in the coffers of the money-lenders and capitalists. And the oppression has gone so far that if we analyse we shall find that all the lands of the cultivators are going into the possession of the money-lenders at large.

and if we care to analyse still further we shall be convinced that the debtors, the cultivators and the masses are still groaning under a heavy debt. It so happens, Sir, that decrees of more than double the amount are pending against many judgment-debtors who have already paid many times the capital in the shape of interest. (Mr. DHIRENDRA NATH DATTA: Have you read section 34?) We are coming to that; do not get perturbed. It is an open fact that in many cases the debtors have paid four times, five times, nay, even ten times, but still the decrees are pending which are more than double the principal. In order to do some justice to these poor debtors that the Hon'ble Mr. Suhrawardy has brought forward this amendment. I thought, Sir, that the Congress members on the Opposition, who have been so long proclaiming that they were the only champions of the cause of the masses of this province, would continue to espouse their cause and support this amendment. To-day, when they find that the capitalists are going to be taxed and the money-lenders who have been supporting them so long are going to be hit, the Congress has come forward in order to champion the cause of the capitalists though they still like to say that they are only championing the cause of the masses. (Dr. NALINAKSHA SANYAL: The Congress does not like to champion the cause of the petty lawyers of the mufassal.) My honourable friend should wait a little, and he will learn many things. My honourable friend does not keep any information about the palacial building that Mr. Jalan has built with the blood of the mass and where he resides like prince. (Laughter.) He does not care to know what is the actual state of affairs in the mufassal. (Mr. DHIRENDRA NATH DATTA: Is it at the cost of poor litigants?)

Sir, I am surprised to hear Mr. Datta as well as Mr. Jalan saying that the word "proceeding" is not clear. May I ask my honourable friends whether it is not a fact that "proceeding" includes execution proceedings. If they do not admit that, I must say that they are trying to pretend that they do not understand the real state of affairs. (Dr. NALINAKSHA SANYAL: How long have you been in the profession?) If they do not really understand the meaning of the word "proceeding" then why are they so anxious to omit that word? My honourable friend, Mr. Nagendra Nath Sen, has moved an amendment to the effect that the word "proceeding" be omitted. Another honourable friend of mine, namely, Mr. Dhirendra Nath Datta, says that the word "proceeding" does not mean execution proceedings. Why is my honourable friend so anxious to omit the word "proceeding"? (Mr. DHIRENDRA NATH DATTA: In order to make it clear.) No, not for that reason but in order to help the creditors and to do mischief to the debtors who are groaning under heavy debts that they are proposing to omit that word and to say that it does not include execution proceedings.

Sir, this Government is ready to do justice to the down-trodden masses who have so long been groaning under heavy debts and to give them relief. And in order to do justice to them, this Government has brought forward this Bill. So long we have noticed our friends on the other side crying hoarse and saying that they are out to do justice to the masses. But when the other day the scheduled banks were excluded from the operations of this Bill, my friends on the other side urged that the scheduled banks should not be excluded. And why? Because they knew that Government was fully conscious of the fact that if the scheduled banks were included, it must give rise to an apprehension that trade and commerce in the province would be injured to some extent, and yet to earn cheap applause the Congress members came forward as the champions of the people, and they showed their eagerness to include the scheduled banks within the purview of this Bill. To-day when the real desire of Government is to help the poor debtors, my friends on the other side are trying their level best to harm them, and they are now exposing their true character, namely, that they are the friends of the capitalists and the money-lenders and not of the agriculturists.

Sir, nobody is in dearth of excuses, and my friends on the other side are only trying to seek excuses, saying that the word "proceeding" is ambiguous and not at all clear. But may I ask Mr. Dutta and may I ask Mr. Jalan, to place their hands on their breasts and to say if it is not a fact that the word "proceeding" includes execution proceedings. Sir, it is perfectly clear that the intention is to exclude execution proceedings from the operations of this Bill. (A voice: Exclude?) I mean include execution proceedings pending on or after the 1st January, 1939. At this stage there was some uproar and clapping in the Congress Benches.) My friends on the other side may clap their hands, but the real intention of bringing in this amendment will be judged by the people outside and by the honourable members in this House.

(Mr. DHIRENDRA NATH DATTA: But you know that in clause 34 there is a provision to reopen transactions in respect of a decree which was passed on or after the 1st January, 1939.)

Sir, it is a well-recognised fact that many of the gentlemen taking their seats on that side of the House (pointing to the Congress Benches) are big money-lenders, and that is why in order to help their profession and in order to suck the blood out of the masses that they have come forward with these amendments, and they are trying to defeat the object for which the amendment of the Hon'ble Mr. Suhrawardy has been moved.

I repeat, Sir, that if they go on in this way, their real intention will be judged by everyone outside, and they will not be able to deceive anybody. They are trying to continue their real profession in private

and in secret, but sooner or later they will be found out. So, Sir, I hope that my honourable friends on the other side should realise the real state of affairs and should not go on in this way, and they should not press the amendments that they have just now moved.

With these words, Sir, I oppose the amendments moved by the Congress members. (Mr. SURENDRA NATH BISWAS: It is regrettable that you have not read clause 34 correctly. What have you to say to that?) (The Hon'ble Mr. H. S. SUHRAWARDY: That will come up later on.)

Maulvi ABDUL BARI: Mr. Deputy Speaker, Sir, the greatest surprise during the whole career of the Money-lenders Bill (Dr. NALINAKSHA SANYAL: What, career?) (Maulvi NUR HOSSAIN SARKAR: You will have many more surprises.) is the amendments moved by my friends sitting on the opposite side—

(At this stage there was a great uproar.)

Mr. DEPUTY SPEAKER: Order, order, please.

Maulvi ABDUL BARI: Sir, when I referred to my friends on the opposite side I had in my mind my friends of the Congress Party. It is not only surprising, Sir, but it is also amusing to find that the votaries of the Congress, which is undoubtedly a national organisation (Cries of "Hear, hear!" from Congress members) should have exposed themselves in the eyes of the world in the way in which they have done to-day. To-day, Sir, they have not shown themselves to be the real friends of the poor and the down trodden, which they always profess to be. This callousness has been the charge of the masses against the Congress, and I submit, Sir, that that charge is fully justified by the conduct of the Congress member to-day.

Sir, if we had found even the least sympathy in the speeches delivered by members of that group—it is true that all men cannot be of the same opinion or belong to the same category—then there would have been no occasion for me to rise from my seat this evening and deliver this speech. The speakers who spoke on these amendments have shown the same feeling, they have voiced the same view, and shown themselves imbued with the same idea, viz., that they want to give as much as possible to the capitalists and to rob as much as possible the poor debtors. This, in short, appears to be their sole purpose and object—their sole intention; their sole purpose is to trample down under foot the ordinary people. I mean the people who are already burdened with a heavy burden, and to roll in wealth. (Mr. SASANKA SEKHAR SANYAL: But what about the Europeans?) Whatever my friends opposite may say and however much they may interrupt me, I am not going to change

my opinion that what I have said fully applies to the Congress members. It is really regrettable, Sir, that men who have such a mentality should rise up in their seats and trumpet their own virtues before the world.

Sir, if one were to examine the amendments that have been moved to-day one would be surprised at their nature. Now, Sir, the original definition in the Bill says that "suit to which this Act applies" means any suit or proceeding. Now, what is the interpretation of the word "suit" as given in the amendment? The Hon'ble Mr. Suhrawardy has shown to our satisfaction that this interpretation should be clarified by the addition of the words "instituted or filed on or after the first day of January, 1939, or pending on that date." By the incorporation of the words "suit or proceeding" Government want to give as much relief as possible to those against whom a decree has been passed. It has been stated by many members that Government are doing nothing to scale down the debts of the debtors and the poor agriculturists, and relieving the borrowers of their past debts. (At this stage there was great and continued uproar.) The nature of the jumping up shows that you are pinched because I am giving a thrust which goes home and which spills blood from your hearts. This you cannot bear and so you jump up at every moment in order to obstruct the course of my speech. You say and you say falsely and knowingly falsely that you do not want really to scale down the debts of debtors. There is the amendment of the Hon'ble Mr. Suhrawardy which seeks to scale down the arrears of debts of poor masses, but you oppose that. This shows that you are not friends but enemies. Let the word "enemies" be noted in bold and capital letters. (Cries of "Question, question," from the Opposition Benches.) Both from the commonsense point of view and from the legal point of view, I shall show that these amendments have got no value absolutely. In one of the amendments, it has been stated that proceeding does not mean or include execution proceedings. Well, shall I remind the gentleman and the gentlemen who have supported that amendment that they have, if they are lawyers, forgotten the Civil Procedure Code, that proceedings does include an execution proceeding? Are they going to change, alter, or amend the provisions of the Civil Procedure Code? Let them remember, let them read it again and again that proceeding includes execution proceedings. Then again in another amendment, one of the movers has said that proceeding does not mean proceeding in execution of a decree passed before the 1st January, 1939. Now, by trying to exclude proceeding, they are trying to restrict the provisions of the Act because suits on the 1st January, 1939, means suits instituted on the 1st January, 1939, but proceeding may mean a suit instituted long before 1939, it may be 1938, 1937 or even before 1936, so long as the decree is not barred by civil execution proceedings. If a decree was passed three years ago, we can, by the present amendment that is being sought to be moved by

The Hon'ble Mr. Suhrawardy,—if that decree was a hard and unconscionable one and if the amount of the decree was an excessive one—give to the debtor that thing which was being refused to him so long. If the provision in section 34 is made ineffective and if the word "proceeding" be omitted, the net result will be that we shall not be in a position to reopen a decree which was a harsh and unconscionable one. Moreover, it is a well-known fact that just when this Bill was introduced and referred to the Select Committee, there was an apprehension and apprehension of a rightful nature in the minds of the members of the Coalition Party who feel so much for the poorer classes, who represent really the poor masses because they live mostly in the mufassal unlike our friends of the Congress who come mostly from the towns and who are in touch mostly with the townpeople and not so much with the poorer people (Cries of "Question, question" from the Congress Benches.) though for some time past in order to capture the imagination of the Muslim masses, they have started *kisan* movements and are going about preaching non-payment of taxes and non-payment of rents and so on——

Mr. ATUL CHANDRA KUMAR: Sir, how is this speech relevant?

Mr. DEPUTY SPEAKER: Mr. Bari, you come to the point at issue.

Maulvi ABDUL BARI: Sir, that was only a side issue. I am coming to the main point. It was the desire and it has been the desire, since the present Assembly was formed in the year 1937, to give as much relief to the poorer classes as possible, and this Government by passing the Bengal Tenancy Act did give some relief to the poorer classes and for that Act all honour goes to Sir Bijoy Prasad Singh Roy, who, though a zemindar himself, piloted a Bill which has been of so much benefit to the masses. Now, Sir, another Bill which is in the hands of the Hon'ble Nawab Musharruff Hossain and which is being piloted by the Hon'ble Mr. Suhrawardy, has been brought in for the benefit of the masses, but it is being opposed by the *mahajans* and capitalists—friends of the Congress—who finding that they are going to be roped in, have tried to bring in suit after suit in the mufassal courts which has necessitated the employment of extra clerks for registration of these suits. The result has been that a panic has been created in the mufassal areas and people are apprehending that the *mahajans* by instituting suits will in course of a few months sell away their cattle, carts, household property and even their utensils, to the intense delight of the Congress people, and ultimately these poor people will be driven out of their hearths and homes. Therefore, this party, the Coalition Party—the sensible party of this House—and the Hon'ble Ministers who also

really represent the poorer classes, thought that a provision of this nature must be made in the Bill which will secure a sense of security for the people that even if there be some delay in the passing of this Bill, they would not be jeopardised in the least and that if a suit or proceeding be pending or be instituted on the 1st January, 1939, they will get the relief. The apprehension has thus been allayed, and, therefore, I submit that the statutory provision should be passed by the House and the amendment which seeks further to amend it for the worse ought not only to be disallowed by the House, but it ought to be buried deep in the sea so that even the whole world outside may not get a scent of it as it is a matter of shame—utter shame—that a provision of a nature which will be detrimental to the poor masses has been brought in.

Mr. RASIK LAL BISWAS: কংগ্রেসের পক্ষ থেকে কতকগুলি সংশোধনী প্রস্তাব উপস্থিত করা হোয়েছে। শ্রীযুত ধীরেন্দ্র নাথ দত্ত মহাশয় যে প্রস্তাব উপস্থিত করেছেন, আমি তাহা সমর্থন করছি। এখানে কংগ্রেসের উদ্দেশ্য এবং কার্য্যাবলী সম্বন্ধে অনেক আলোচনা হোয়েছে, এবং তার দোষ ব্যাখ্যাও করা হোয়েছে। আমরা যাঁরা কংগ্রেসের এখানে আছি, যেভাবে এই বিলটা পাশ হোতে যাচ্ছে, আমরা আগেই ব'লেছি যে আমরা এতে সন্তুষ্ট নই, যদিও আমরা Select Committeeর সংশোধনী Billটী সমর্থন করতে রাজী ছিলাম—কারণ উহা গভর্ণমেন্টের প্রথম Bill অপেক্ষা অনেক উন্নত। যদিও আপাততঃ কংগ্রেস চায় যে দেশে যেসমস্ত গরীব লোকেরা দেনা করেছে তা কমিয়ে শোধ দেবার জন্য ব্যবস্থা করা হউক, কিন্তু ব্যক্তিগতভাবে আমি এবং আমার মত যারা চিন্তা করেন এবং এই মতে বিশ্বাস করেন তাদের সকলেরই দৃঢ় ধারণা এই যে এই সমস্ত দেনা যা নাকি অপর্যাপ্ত হোয়েছে শুধু তা কমিয়ে দিলেই চলবে না। দেশকে, সমাজকে, যদি বাঁচাতে হয়, যদি দেশকে দুরবস্থা থেকে চিরকালের মত রক্ষা করতে হয় তাহলে সমাজকে নূতন করে গড়তে হবে এবং সেই নূতন করে গড়তে গেলে পুরান যত দেনা আছে সে সমস্ত থেকে দেনাদারকে সম্পূর্ণরূপে মুক্ত করতে হবে। বর্ত্তমানের পুরান দেনা কোন-মতেই শোধ হবে না, কমিয়ে দিলেও না। আইন কোরে দেনা নষ্ট করতে হবে। কিন্তু যেদিন Select Committee থেকে পাশ করে গভর্ণমেন্ট সে বিল উপস্থিত করেছিলেন সেটা অনেক উন্নত বলে আমরা সেই বিল সমর্থন করতে প্রস্তুত ছিলাম, কিন্তু জানি না গভর্ণমেন্ট কার অরোচনায়, কার ইঙ্গিতে সেই সমস্ত Select Committeeর প্রস্তাব দূরীভূত করে দিয়ে এখানে আবার প্রথম বিলের প্রস্তাব উপস্থিত করেছেন। সুতরাং আমাদের উদ্দেশ্যের এখানে যত খারাপ ব্যাখ্যাই করুন, এখানে স্পষ্ট হয়ে আজ আমরা সকলে জেনে রাখুন আমরা দেশের চিরন্তন উন্নতির উদ্দেশ্যের বশবর্ত্তী হয়েই দেশকে কংগ্রেসের আদর্শে পুনর্গঠন করতে চাই।

বহু শতাব্দী ধরে বিদেশীর শাসনাধীনে আমাদের দেশ থাকার দরুন, আমাদের দেশের সামাজিক এবং অর্থনৈতিক অবস্থার সম্পূর্ণ বিপর্য্যয় হয়েছে। শোষণকারী শাসক-সম্প্রদায়ের শোষণের সহায়তা করার জন্য তাদের অনুচর প্রজারা আমাদের সমাজের ভূতপূর্ব্ব লোক অন্যায় উপায়ে নিজেরাই কতকগুলি অর্থ এবং প্রতিপত্তি সঞ্চয় করেছে, এই অর্থ ধার দিয়ে তারা জনসাধারণকে slave করে ফেলেছে। সেই জন্য আমাদের দেশের সমাজের balance টলমল যাওয়ায় আমাদের দেশের বর্ত্তমান দুরবস্থা এসেছে এবং কিছুতেই ইহা দূরীভূত হোচ্ছে না। সেই জন্য আমরা চাই আমাদের দেশের সমাজকে নূতন করে গড়তে। ইহা করতে হলে এ-দেশের অর্থনৈতিক, সামাজিক, ও রাষ্ট্রনৈতিক ধারা যা বর্ত্তমানে আছে, তার সমস্তকেই নূতন করে

পড়তে হবে। কংগ্রেস সে-দিকেই আজ সমাজকে পরিচালনা করতে চায়। কংগ্রেসের মাথা-মাথী উদ্দেশ্য নয়, জোড়া-তালি দেবারও মতলব নাই। কিন্তু যতদিন পর্যন্ত ভারতবর্ষের স্বাধীনতা হস্তগত হোচ্চে না,—যতদিন বিদেশীরা divide and rule policy বজায় রেখে আমাদের দমন ক'রে রাখছে এবং যতদিন সেই-ভাবে আমাদের তারা দাবিয়ে রাখতে পারবে, ততদিন আমাদের সমাজের কোন উন্নতির সম্ভাবনা নাই বা কংগ্রেসের সে গঠনমূলক উদ্দেশ্য সম্পূর্ণ সফল হবে না। SOME MEMBERS FROM THE COALITION GROUP REMARKED: কংগ্রেসের জোড় বোঝা গেছে। কংগ্রেসের উদ্দেশ্য—সুস্পষ্ট; আমরা সেই-ভাবে এই সমাজকে গঠন ক'রে নেবো, জন্য দেশের পূর্ণ স্বাধীনতা চাই, এবং কংগ্রেসের পূর্ণ স্বাধীনতার উদ্দেশ্যও চাই। আমরা বিদেশীর শাসন এবং শোষনকে দূর থেকে দূরীভূত ক'রতে চাই এবং নিজেরা আমাদের দেশ গঠন করতে চাই। আমাদের দেশের শত-শত যুবক, দেশ-প্রাণ-ব্যক্তি দেশের স্বাধীনতার জন্য যে আত্মদান ক'রেছেন তার উদ্দেশ্যও তাই। সেই মহান উদ্দেশ্য পূর্ণ না হোতে দেবার জন্য আমাদের বিরুদ্ধ-লোক এ-দেশে আছে। পূর্ব্বে যেমন আমাদের দেশে মিরজাফরের উত্তরাধিকারীদের জন্ম হ'য়েছিল, সে রকম লোক যুগে-যুগেই থাকবে। আমরা তাহার পরোয়া করি না। আমরা আমাদের আদর্শ ঠিক রেখে সত্য পথে—যথার্থ পথে চলবো, আমরা হয়ত আজ minority (voices and interruptions) কিন্তু কাল minority থাকবো না। আজ হোক কাল হোক ক্ষমতা আমরা সম্পূর্ণ আয়ত্ত কোরবই। তখন দেখিয়ে দেব কি-প্রকারে দেশের মুক্তি-বিষয়ে আমাদের উদ্দেশ্য সিদ্ধ হবে। এখানে অনেকেই হয়ত জানেন Co-operative Society যা নাকি গভর্ণমেন্টের নিজের হাতে আছে, সেই Co-operative Society যারা দেশের দরিদ্র জনসাধারণ নিপীড়িত, নিষ্পেষিত ও বিধ্বস্ত হ'য়ে যাচ্ছে। সেই Society গুলিকে বাদ দিয়ে আমাদের সম্মুখের বন্ধুগণ যে দেশ-হিতৈষনার পরিচয় দিয়েছেন সেটা স্থির হ'য়ে চিন্তা ক'রলে বোধ হয় নিজেরাই লজ্জায় অধোবদন হ'য়ে যাবেন, সেই জন্য তাদের মুখেই কংগ্রেসের সংশোধনী প্রস্তাবের এরূপ অপব্যাখ্যা শোভা পায়। আমাদের সংশোধনী প্রস্তাবের ভাল ব্যাখ্যা হোচ্চে এই যে ওঁরা যে বলেছেন 1st January, 1939, যে সমস্ত suit pending সেই সমস্ত suit কে বাদ দেওয়া হবে না। কিন্তু কথা হোচ্চে যে সমস্ত suit pending গরীব লোকের বিরুদ্ধে সেগুলি এ আইন কার্য্যকরী হবার পূর্ব্বেই শেষ হোয়ে ডিক্রী জারী হোয়ে দাবী মিটে যাবে। আর যেগুলি অবস্থাপন্ন লোকের বিরুদ্ধে আছে, তারাই কিছু কিছু দিয়ে pending রেখেছে ও রাখবে। কিন্তু দরিদ্রদিগের বিরুদ্ধে যে সমস্ত ডিক্রী পূর্ব্বে হোয়েছিল সেগুলি বহু পূর্ব্বেই খতম হোয়ে, শেষ হোয়ে তারা তাহাদের চলে গ্যাছে। কাজেই গভর্ণমেন্টের যে সংশোধনী প্রস্তাব তার উদ্দেশ্যই হোচ্চে যে পঁয়ষট্টি বড়-লোকেরা তাদের পরিশোধের ক্ষমতা থাকা সত্ত্বেও নানাবিধ অপকর্ম্মের জন্য টাকা ধার করে সেই সমস্ত টাকা শোধ দিচ্ছেন না তাদেরই সাহায্য করা। কারণ আমরা জানি গভর্ণমেন্টের Cabinet এর সদস্যগণ বড় লোক এবং এ-সকল লোকের এক class এরই লোক, বড় লোকদের সাহায্য করার উদ্দেশ্য তাদের পক্ষে স্বাভাবিক। গরীব-লোকদের সাহায্যের জন্য যে তাদের কি আন্তরিকতা তা Co-operative Society কে বাদ দেবার ব্যাপারেই টের পাওয়া গ্যাছে। যদি বাস্তবিকই তাদের গরীবের প্রতি দয়া থাকত তাহলে Co-operative Society এবং Insurance Society গুলিকে বাদ দেবার কথাই উঠত না, নিছক বড় লোকদের সাহায্য করবার জন্যই এই Amendment আনা হ'য়েছে। যদি তাদের গরীবের প্রতি এত দরদই ছিল, তাহলে পাঁচ বছর আগের যে-সমস্ত ডিক্রী সেই গুলির জন্যও Amendment আনতে পারতেন। অন্ততঃ তিন বছর আগে যে সমস্ত ডিক্রী তার জন্যও আনতে পারতেন। (A MEMBER FROM THE COALITION: বন্ধু প্রশ্ন কেন? এখন ধৈর্য্য ধরুন) আমাদের কংগ্রেসের পক্ষে সংশোধনের অপব্যাখ্যা করা হ'য়েছে বলেই গভর্ণমেন্টের প্রস্তাবের বিরুদ্ধতা আমরা করছি না বুঝি তাঁদের

আছে তাদের সকলকেই বলছি গভর্ণমেন্টের সংশোধনী আইন যদি পাশ হয় তাহলে আইনের এমন একটা confusion হবে যা meet করা দরিদ্র-লোকদের পক্ষে অসম্ভব হবে। সেই জন্য আমি আপনাদের অনুরোধ করি নিজেদের বুদ্ধি সরল করে এ বিষয়ে কংগ্রেসের সংশোধনী প্রস্তাবটা সম্বন্ধে একটু বিবেচনা করবেন এবং দাম্পত্যে দরিদ্রের উপকার করবেন।

The Hon'ble Mr. H. S. SUHRAWARDY: May I congratulate both Mr. Abdul Bari and Mr. Rasik Lal Biswas on their ability to speak in a House in which the forces of pandemonium are let loose in this manner. I hope the House will grant me a little bit more consideration. I trust that the Congress Group will forgive me if I try to get some advantage out of the consternation into which an amendment has thrown the Opposition Group, and which actually, if analysed, would make it clear that the Congress Group are not the friends of the masses which they pose to be but are only too anxious to look after the interests of the money-lenders. I shall explain it a little bit later after cursorily touching upon the arguments, if they can be considered to be arguments, of Maulvi Abu Hossain Sarkar. I refer to them merely because he is a member of the House, and as he has referred to certain clauses of the Bill, he needs an answer.

Now, Sir, if I do not bring in this amendment and if the Bill stands as it does, and is passed, then the Act will apply only to such suits or proceedings which may be pending at the time when the Act comes into force.

Rai HARENDRA NATH CHAUDHURI: How?

The Hon'ble Mr. H. S. SUHRAWARDY: "Any suit or proceedings for the recovery of a loan and so on"—therefore, this must apply to those either pending at the time or instituted thereafter, but not to any suit or proceedings which had already terminated before the Act came into force. As the Bill has emerged from the Select Committee without my first amendment, section 34 has got to be read with the definition of the suit or proceedings, and consequently we read "notwithstanding anything contained in the law the court may in any suit to which this Act applies, etc., reopen any transaction." Now if I do not bring in either of my amendments, then the scope of section 34 is limited only to suits which are pending at the time when the Act comes into force or which are instituted thereafter and no more.

Maulvi ABU HOSSAIN SARKAR: That is not correct.

The Hon'ble Mr. H. S. SUHRAWARDY: I am afraid you will not understand it.

Maulvi ABU HOSSAIN SARKAR: I understand better than you do. We have had an instance of your understanding in the case of the Bengal Tenancy Act.

The Hon'ble Mr. H. S. SUHRAWARDY: I agree with Mr. Sarkar that my knowledge is limited to the extent that I am unable to appreciate his arguments. So, we shall leave it at that. Now, Sir, my first amendment enlarges the scope of the Bill to this extent that it gives a starting point. It fixes a time, namely, that all suits or proceedings which were instituted on the 1st January or thereafter would come under the scope of this Bill. That means to say that it enlarges to some extent the scope of the Bill as it has emerged from the Select Committee.

Rai HARENDRA NATH CHAUDHURI: We agree with you.

The Hon'ble Mr. H. S. SUHRAWARDY: Now the addition of the words "pending on the first of January, 1939," enlarges the scope of the Bill a little bit more. It comes to this that suits which may have been filed some time before—

Rai HARENDRA NATH CHAUDHURI: Long ago.

The Hon'ble Mr. H. S. SUHRAWARDY: If suits are pending for a very long time, they deserve to finish soon. But suits—I am talking of ordinary suits—which may have been filed some time ago and which have not yet terminated and may be terminated—you may hurry the termination of those suits on account of this Bill—will not be affected by this Bill as it stands.

Rai HARENDRA NATH CHAUDHURI: How?

The Hon'ble Mr. H. S. SUHRAWARDY: You will see, Sir, that they are raising a storm in a tea cup. The Select Committee defined a suit as any suit or proceeding—

Rai HARENDRA NATH CHAUDHURI: Or appeal.

The Hon'ble Mr. H. S. SUHRAWARDY: Any suit or proceeding for the recovery of a loan, etc. If the word proceedings there means execution proceedings or does not mean execution proceedings, it is there. My amendment has not enlarged the definition of "proceeding." My amendment has not made the proceeding "execution proceeding". Where it was not an execution proceeding my amendment has not made

it an execution proceeding. If it was an execution proceeding my amendment has not altered its meaning. Therefore, on my amendment as I have placed it before the House these various arguments and these various amendments do not arise.

Rai HARENDRA NATH CHAUDHURI: How?

The Hon'ble Mr. H. S. SUHRAWARDY: I will just point out. My previous amendment on or before the 1st January, 1939, has been before the House for a considerable time. I have seen the amendments proposed by the Congress Party and there has not been any amendment of any kind whatsoever from any part of the House attempting to define the word "proceedings" either attempting to limit it to the execution proceeding or the execution of a decree passed before 1st January, 1939. Rai Harendra Nath Chaudhuri said that he accepted my first amendment. If that is so, he accepts also the meaning of the word "proceeding" whatever its meaning is. And, therefore, it really does not matter if I enlarge the scope of the Bill a little bit more also by including suits which have been pending on the 1st January, 1939.

Rai HARENDRA NATH CHAUDHURI: You are uncertain about the meaning of the word "proceeding."

The Hon'ble Mr. H. S. SUHRAWARDY: I am not uncertain. I know exactly what it means.

Rai HARENDRA NATH CHAUDHURI: Give out your meaning.

The Hon'ble Mr. H. S. SUHRAWARDY: I do not propose giving it. I will tell you the reason why. Any amount of statement on my part as to what is the meaning or not the meaning of the word "proceeding" in this Bill will merely raise a controversy regarding interpretation. (Rai HARENDRA NATH CHAUDHURI: No.) The final interpretation must rest with the court. In view of the fact that there has not been any amendment to the Bill as it has emerged from the Select Committee on the meaning of the word "proceeding," I take it that the members of this House accept, and must accept, the meaning of the word "proceeding" whatever it may be.

Rai HARENDRA NATH CHAUDHURI: According to our light.

The Hon'ble Mr. H. S. SUHRAWARDY: I will not therefore hazard any definition at this stage. There is no reason for hazarding a definition. You have accepted it for what it is worth. The only question now is this, whether you propose including within the purview of

the Bill a suit or a proceeding whatever may be the meaning of "proceeding" which has been pending on the 1st January, 1939, or not. Now, Sir, my submission to this House and my advice to this House is this that they should accept my amendment and the reason is obvious. The reason is this, that if I do not move this amendment, then many suits which deserve to be reopened, many suits in regard to which the rates of interest ought to be revised will be let out and there is no reason why we should help those money-lenders who have filed their suits whether in good faith or in bad faith, who are hurrying with them whether in good faith or in bad faith, and who are able to get their decrees whether in good faith or in bad faith before this Act comes into operation—before the 1st January, 1939, not so far as the decree is concerned but so far as the filing of suits is concerned. If the decree has not been passed, I see no reason for saying: "We do not want to assist those debtors in respect of their debts."

Mr. SURENDRA NATH BISWAS: Why not put a time-limit?

The Hon'ble Mr. H. S. SUHRAWARDY: The point is not that. The point is: do you or do you not agree with me that my amendment assists those debtors, in regard to whose debts suits were filed before the 1st January, 1939, but have not terminated by the 1st January, 1939?

Rai HARENDRA NATH CHAUDHURI: No.

The Hon'ble Mr. H. S. SUHRAWARDY: There can be no doubt about that. My amendment does assist those debtors. If my second amendment was not there, it would not assist them at all because the suit having been filed before the 1st January, 1939, it does not matter when it terminates, and it cannot be reopened whatever may be the value of section 34.

As I have said, with regard to the meaning of "proceeding," I will not hazard any definition.

Rai HARENDRA NATH CHAUDHURI: You will leave it vague deliberately?

The Hon'ble Mr. H. S. SUHRAWARDY: It is not a question of leaving it vague. The meaning is there. The word "proceeding" has a definite meaning in law.

Rai HARENDRA NATH CHAUDHURI: It has not.

The Hon'ble Mr. H. S. SUHRAWARDY: The courts are going to define the word "proceeding." If under section 34 a decree can be opened up, if under section 34 a transaction can be opened up say for the last 12 years, it will be opened up. If under section 34 it cannot be opened up, it will not be opened up. Let me again remind the House that so far as this definition is concerned, it has no operative definition. The operative section is section 34, and it is section 34 which is going to define suits, proceedings, transactions or decrees which can be opened up or not.

Mr. SURENDRA NATH BISWAS: Then, why amend it?

The Hon'ble Mr. H. S. SUHRAWARDY: Because I wish to bring within the purview of the Bill those suits which have not terminated on the 1st January, 1939.

Mr. SURENDRA NATH BISWAS: What is the object?

The Hon'ble Mr. H. S. SUHRAWARDY: I have not the least doubt that you realise its significance. You wish to know what the object is. The object is this. If I do not bring in my second amendment, section 34 only helps a certain kind of debtors. It will only help those debtors in regard to whose debts suits have been filed on or after the 1st January, 1939.

Mr. SURENDRA NATH BISWAS: Decrees cannot be touched under section 34.

The Hon'ble Mr. H. S. SUHRAWARDY: It also helps in the matter of decrees. My friends here too, even money-lenders are affected.

The great point which Mr. Surendra Nath Biswas makes is this, that if section 34 is operative, what is the use of doing this?

Mr. SURENDRA NATH BISWAS: Yes.

The Hon'ble Mr. H. S. SUHRAWARDY: Very well. There is a good deal of use in it, because it does assist those debtors against whom suits have been filed—let me say for the last time—before the 1st January, 1939, but have not terminated by that time.

Rai HARENDRA NATH CHAUDHURI: That is not the real meaning of your amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: If my friends on the opposite side refuse to understand it, I cannot make them understand.

That is how I do it. If my friends on the opposite side refuse to understand—(A VOICE FROM THE CONGRESS GROUP: How?) If my friends on the other side refuse to understand, I cannot make them understand.

Rai HARENDRA NATH CHAUDHURI: You simply refuse to explain.

The Hon'ble Mr. H. S. SUHRAWARDY: I will again tell my friends that there is no need of an explanation in respect of a word the meaning of which is quite plain in the English language.

Rai HARENDRA NATH CHAUDHURI: No, not at all.

The Hon'ble Mr. H. S. SUHRAWARDY: With regard to the word "proceeding," let me point out to Mr. Harendra Nath Chaudhuri that no exception was taken to the meaning of the word "proceeding" up till now and no amendment has been filed by them in regard to the word "proceeding" or the explanation thereof up to this stage. All the parties have accepted the meaning of the word "proceeding," whatever it may be. But my amendment only enlarges my previous amendment by including within the definition of the word "suits" such suits which have been pending on the 1st January, 1939. Thus it includes suits or proceedings which have been pending on that date, and it only helps certain debtors which my previous amendment would not do. This is all that has been done.

Sir, I know that a certain degree of consternation has arisen and must arise, and that the money-lenders will go up absolutely in flames because it is going to affect their rights; and the Congress Party which has now been exposed and has been proved to be working for the benefit of the money-lenders will also go up in flames.

With regard to my friends opposite, Mr. Abu Hossain Sarkar and the like, I am afraid that they are opposing it under a misunderstanding. They have not taken the point which has been taken by my friends of the Congress Party. They have taken other points and therefore, I am prepared to sympathise with them and to give them credit for the fact that they would not deliberately oppose my amendment. Have they realised that this amendment is going to help the debtors? As I said, I desire to take some advantage out of the position of the Congress on this vote, because there can be no doubt to a person, who is a reasonable person, that this is going to help the debtors, and yet the Congress Group is opposing it. When we brought in certain amendments on behalf of Government in order to make this Bill more reasonable, in order not to interfere with trade, business, and banking operations, my friends on the opposite side, knowing full well that what I was doing

was correct, wanted to take political advantage of my amendments for the purpose of going before the country and saying that it was the Government which wanted to ruin the debtors. Now, Sir, this amendment of mine and the opposition of the Congress to this amendment have clearly exposed the attitude of the Congress towards the debtor and have clearly demonstrated that it is the Ministry and the Coalition Group and those who assist the Coalition Group who are trying their level best to give relief to the debtors.

One observation more, Sir, and I have finished. Mr. Rasik Lal Biswas in his speech has stated that the Congress Group desire, in order to rehabilitate society, to wipe off all previous debts. I have not seen any amendment on behalf of the Congress Group to that effect. In this Bill there was plenty of scope, particularly under section 28, when the Congress Group could have put in an amendment like this. I know Mr. Rasik Lal Biswas's speech is pure hot air. He knows perfectly well that no responsible body can sponsor any amendment of that type. He knows perfectly well that even if he was to put out an amendment of that type, he would not be able to discredit the Government if we were to oppose it, for the simple reason that he would not get any support whatsoever from his own group; and whatever may be the mentality, whatever may be the crushing burden of indebtedness on our people, there is one thing which our people have not developed, which, of course, the Congress Party is attempting its level best to develop—they have not yet forsaken the path of righteousness nor have they ever stated that they will not pay their debts and obligations if they can afford to pay them. The people have hitherto been trying their level best to get themselves relieved of their indebtedness. It is their honesty and their desire to meet the obligations which impel the Government from time to time to come forward and help this class of people. Now, Sir, we know that Mr. Rasik Lal Biswas does not mean what he says; we know that such an amendment will not be sponsored by the Congress Party; but if it is sponsored by the Congress Party, let us see what will be the result.

(At this stage, the House was adjourned for 20 minutes.)

(After adjournment.)

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, will you kindly allow me to speak for two minutes before the Nawab Sahib speaks, because the Hon'ble Mr. Suhrawardy——

Rai HARENDRA NATH CHAUDHURI: Please be true to your words.

Mr. SURENDRA NATH BISWAS: May I have your indulgence?

Mr. SPEAKER: If you are once true to your words. (Laughter.) However, I can allow you to speak for two minutes only, but not more than that.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, I would not have risen to speak, but for the fact that the Hon'ble Mr. Suhrawardy has misunderstood the definition of "suits" as has been given in the Bill in clause 2 (*19*).

Sir, as I understand the Hon'ble Mr. Suhrawardy's speech he realises that clause 2 (*19*) is merely a definition clause, while clause 34 is the only operative clause. Now, if proviso (*a*) of clause 34 is not deleted, then notwithstanding any amendment, the Court shall not be able to touch a decree passed before the 1st January, 1939. So, Sir, I submit that this amendment of the Hon'ble Mr. Suhrawardy is absolutely meaningless. Then again, if this proviso is deleted——[Rai BARENDRA NATH CHAUDHURI: Is it proviso (*a*) or (*o*)?] No, it is proviso (*a*) and not (*o*) which relates to the reopening of any adjustment or agreement made at a date within twelve years, etc. Proviso (*a*) provides that no decree passed before the 1st January, 1939, shall be touched by clause 34. Now, if Government delete proviso (*a*), then what will be the effect? (The Hon'ble Mr. H. S. SUHRAWARDY: Wait, wait.). In that case, all decrees passed before or on or after the 1st January, 1939, shall be reopenable under clause 34. Clause 34 says, "Notwithstanding anything contained in any law for the time being in force, the court may, in any suit to which this Act applies whether heard *ex-parte* or otherwise, exercise any or all of the following powers, namely,——

(*a*) reopen any transaction", and do other things.

Under this clause, the court sitting to try a suit or dispose of an application for execution of a decree, because by the definition *suit* includes any proceeding, may reopen any transaction under any suit or decree. Therefore, when the court will sit as a trying judge in a suit or as a disposing judge for the purpose of disposing of any application for execution of a decree, then the court shall be able to reopen any transaction under any suit or decree, old or new. There is, therefore, no necessity for amending the definition of "suit" as given in the Bill.

Mr. SPEAKER: Your two minutes are over.

Mr. SURENDRA NATH BISWAS: I have nearly finished. I want only half a minute more.

So, Sir, I submit that this amendment of the Hon'ble Mr. Suhrawardy is meaningless from both points of view. The only reason that can be adduced in support of Government's proposal is that Government is apprehensive that if proviso (*ii*) to clause 34 is deleted, then the court will not be able to follow applications for execution of decrees pending on the 1st January, 1939. This apprehension is baseless. So, I submit, Sir, that the Hon'ble Mr. Suhrawardy's amendment is meaningless and unnecessary, and as such should be withdrawn.

Point of order.

Mr. DHIRENDRA NATH DATTA: On a point of order, Sir. After what the Hon'ble Mr. Suhrawardy has said, it appears that the operative section is clause 34 of the Bill. If that is so, then in applying our mind to this amendment on clause 2 (*19*) we have also to consider clause 34, because one is dependant on the other. Therefore, Sir, my submission before you is that we must, first of all, deal with clause 34 and then we should apply our mind to clause 2 (*19*).

Mr. SPEAKER: I think we will come to a decision on that point from the consequential definitions.

The Hon'ble Mr. H. S. SUHRAWARDY: Plenty of time for that.

Mr. DHIRENDRA NATH DATTA: I do not know, Sir, what will be the Government amendment with regard to clause 34?

Mr. SPEAKER: You will know it in due course.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Mr. Speaker, Sir, I am a little bit disappointed to-day. (Mr. SANTOSH KUMAR BASU: Because the microphone is not working!) (Laughter.) I find that the Congress Party which was hopelessly divided in the Select Committee—two only——

Mr. SURENDRA NATH BISWAS: On a point of order, Sir. Can the Hon'ble Minister disclose what happened in the Select Committee?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: If the Congress Party had been unanimous everywhere, the Select Committee would have given a different report (Rai HARENDRA NATH CHAUDHURI: Because the Congress was in a majority).

Mr. SURENDRA NATH BISWAS: On a point of order, Sir. I think the Hon'ble Minister is wrong because in the minutes of dissent you will find that there was no want of unanimity on the Congress side.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: As I was saying, Sir, if they had been consistent everywhere, all things would have been quite different. (Dr. NALINAKSHA SANYAL: Only you are consistent!)

Now, the report of the Select Committee was altered on two days, but to-day I congratulate my honourable friend Mr. Suhrawardy (Cries of "Hear! hear!" from Coalition Benches) for improving upon the report of the Select Committee.

We ordinarily think that the word "suit" as used in this amendment will mean the suit (Rai HARENDRA NATH CHAUDHURI: Since the promulgation of the Act) that is instituted after the Act has been given assent to by the Viceroy (Rai HARENDRA NATH CHAUDHURI: By the Viceroy?). So that is the only implication of the suit which we thought would apply. But when my friend Mr. Suhrawardy has brought in this amendment and wants to give protection to some debtors who could not have got any protection form us from the Select Committee report, I am very glad, because, after all, the minds of all of us are directed towards the poorer section. If by this amendment of Mr. Suhrawardy, certain poor people will get some advantage out of our labour, I would be happy to give that much facility to the poorer section. I never thought that the Congress Party will put in such a determined opposition against a good action of my friend. I again appeal to them to consider this point, and from their past achievement and the future policy that they want to adopt, they should not adopt a course which will be interpreted by the outside world that they are for the capitalists and not for the poorer section. (Cries of "Hear! hear!" from the Coalition Benches.) I would appeal to them to consider this point before they cast their vote for or against the motion. They have got a political ambition in the country. Why are they doing that? And I know my friend, Dr. Sanyal, has his eye fixed on the future. Why should he waste this opportunity? They will never succeed in actually deceiving the poorer section of the people—they are very, very clever. For God's sake, they should not make a mistake. They should adopt a consistent policy. If they do so, they may ultimately win. But in the way they are working here, I fear they will be exposed. As a good friend of all concerned and even of some members of the Congress Party, I would advise them not to be led away because it would not help them in any way. I appeal to them to seriously consider the proposal of my friend, Mr. Suhrawardy. It is a good thing, I believe

for those people for whom we are all working. You are working for those people for whom we are also working. With these words, I commend the motion of Mr. Suhrawardy for the acceptance of the House.

Maulvi ABU HOSSAIN SARKAR: Sir, in my speech I opposed the amendment of the Hon'ble Mr. Suhrawardy. But the way in which he has explained matters to-night I think my opposition, after that, does not stand. (Cheers from the Coalition Benches.)

Mr. SPEAKER: I will now put the amendments one after another. I will take the amendment of Mr. Suhrawardy as a substantive motion, and the amendments of Mr. Nagendra Nath Sen and Rai Harendra Nath Chaudhuri as amendments to it.

The motion of Babu Nagendra Nath Sen that in clause 2 (*19*), line 2, the words "or proceeding" be omitted, was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in clause 2 (*19*) of the Hon'ble Mr. Suhrawardy's amendment moved on 24th May, 1939, the words "or pending on that date" be omitted, was then put and lost.

The substantive motion of the Hon'ble Mr. H. S. Suhrawardy that in clause 2 (*19*), line 2, after the word "proceeding" the following be inserted, namely:—

> "instituted or filed on or after the first day of January, 1939, or pending on that date,"

was then put and agreed to.

The motion of Babu Nagendra Nath Sen that in clause 2 (*19*) after (c), the following explanation be inserted, namely:—

> "*Explanation.*—'Proceeding' does not include or mean execution proceedings."

was then put and lost.

The motion of Mr. Hirendra Nath Datta that the following proviso be added to clause 2 (*19*), namely—

> "Provided that the word 'proceeding' does not mean proceeding in execution of a decree passed before the 1st January, 1939."

was then put and lost.

Mr. SPEAKER: That disposes of the amendments.

I will now put one subsisting amendment that was not put to vote yesterday. There are two amendments—one is by Dr. Nalinaksha Sanyal to the effect that in the proposed sub-clause (*f*) of clause 2 (*10*) (*e*), at the end the following be added, namely, "and do not carry interest at a rate exceeding 9 per cent. simple per annum"—

Dr. NALINAKSHA SANYAL: Sir, I have got another amendment about building society. I want to say a few words on that amendment, if you will kindly permit me.

Mr. SPEAKER: Dr. Sanyal, I hope you will be very short.

Dr. NALINAKSHA SANYAL: Sir, I proposed a short-notice amendment to the short amendment of the Hon'ble Mr. Suhrawardy that after the words "a loan advanced," the words "by a building society" be added. My whole purpose was to make that clear which the Hon'ble Mr. Suhrawardy sought so much to explain to the House. In his own explanation justifying the inclusion of such classes of loans as he sought to exclude under that proviso, he made an eloquent appeal to the House to permit such organisations which would regularly advance money for building houses to the middle classes and poorer classes of people. All the appeal that he made was certainly not on behalf of rich money-lenders who would take advantage of this section and would advance money on mortgage of buildings in big cities only with the stipulation that the repayment may not be made immediately but spread over 10 years. He never dared to exclude such classes, and when my friend Mr. Abdul Bari pleaded the cause of such organisations, both Mr. Abdul Bari as well as the Hon'ble Mr. Suhrawardy stated very clearly that the objective was to encourage the formation of such well-organised institutions for the development of housing in big cities and municipal areas. I thought it only proper that this definite restriction or limitation should be placed on the clause as moved.

So far I find there has been some amount of misgiving in the minds of some members of the Coalition Party as well as in the mind of the Hon'ble Minister himself as to what would be meant by a building society. If they are not very clear about what a building society is, I would ask them to look up the British definition of a building society. There is a special Act which empowers a certain class of financing organisation to be called "building society", and such building societies enjoy certain special privileges in Great Britain. The whole conception of the building society, as has been argued by the Hon'ble Mr. Suhrawardy requires not merely exclusion from the operation of this Act but some other privileges and encouragement also if my friends on that side are really keen to help such organised credit institutions that make

for building cities and help in the housing problem of big towns. But worded as the clause is, it only requires a person who is a creditor to have it stated on the bond that the loan is for the purpose of building and that the repayment will be by instalments extending over 10 years or more. I would like the Hon'ble Mr. Suhrawardy to enquire into the files of the High Court, and he would find readily how big loans are always left over for a period of 10 years and more. A big loan—I would not name the persons, either creditors or debtors—but beginning from the biggest exacting creditors of this province down to some insurance companies that have been responsible for some amount of money-lending for such purposes, the repayment is arranged, if not actually provided in the document, over a very long period. That being the position, I cannot understand the anxiety of the Hon'ble Mr. Suhrawardy as well as of my friends in the Coalition Group to help these big money-lenders. We have only a few minutes ago heard an eloquent appeal by one member who was trying to make provision for his own pocket in the mofussal bar, that they were very anxious to help the poor agriculturists. May I know what class of agriculturists he was going to relieve by excluding all classes of rich money-lenders who lend in big cities against the construction of houses or even purchase of houses, that is to say generally on mortgage of houses? A building society requires special treatment. If the Government is really sincere and anxious to help the organisation of the building societies, their sincerity will be only tested when they will bring forward a Bill proposing to create special facilities for such credit institutions as building societies. In Great Britain there is such an Act; in America, the building societies enjoy not merely the special privilege of exemption from income-tax and the depositors have got certain special arrangements for the quick realisation of their deposits, but they also have the privilege of some contribution from the State at a very cheap rate. In Great Britain over the building societies, for the privileges they have been given, the State have some control. The organisation of the State watches the activities of such building societies and for the privilege of permitting them to go out of the pale of ordinary money-lending enactment and for the privilege of various other kinds that is provided for such societies, Government has some definite control over their activities. What control are you going to provide for building societies that are conceived of in this exclusive clause, may I know? There has been no such explanation or definition as yet given by Government. That being the position if there is no definition at all, let us take the British definition, that is very clear. If there is no definition in the brain of the Coalition Party, you can follow the British definition. That will be quite enough. If the argument advanced by the Hon'ble Mr. Suhrawardy is the argument for which he has put forward this

clause, let him make it perfectly clear, let him not make any ambiguous statement. If there are other arguments behind him, if there are other weighty reasons in his pocket, of course I cannot help it. Let him give those weighty reasons and have it passed. So far as this House is concerned, it is not going to be deluded or taken away from the path of duty and righteousness by certain empty phrases and hollow words. With these words I move that the words "building society" be added after the word "loan."

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. Speaker, Sir, I would have taken this opportunity of meeting the arguments of Dr. Nalinaksha Sanyal and proving to him that his arguments are fallacious. But in view of a certain remark made by him I treat his speech with contempt.

Mr. SPEAKER: I take it Mr. Suhrawardy that you withdraw your first day's amendment?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes; I do so.

The motion of the Hon'ble Mr. H. S. Suhrawardy that after clause 2 (*10*) (*e*) the following be inserted, namely—

"(*f*) a loan advanced to any person for the purchase or construction of a house within the limits of the area defined in clause (*11*) of section 3 of the Calcutta Municipal Act, 1923, or of any area which has been or may hereafter be constituted a municipality under the provisions of the Bengal Municipal Act, 1932, or for the purchase within such limits of land for the construction of a house thereon, if such loan is subject to the condition of repayment by instalments extending over a period of ten years or more,"

was then by leave of the House withdrawn.

The motion of Dr. Nalinaksha Sanyal that the words "purchase or" be deleted from the first line of the Hon'ble Mr. H. S. Suhrawardy's amendment was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in proposed sub-clause (*f*) of clause 2 (*10*) (*e*) at the end the following be inserted, namely:—

"and do not carry interest at a rate exceeding 9 per cent. simple per annum",

was then adapted to clause 2 (*10*) (*f*) as finally proposed by the Hon'ble Mr. H. S. Suhrawardy by his amendment of the 24th May, 1939, put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 2 (*10*) (*f*), as proposed by the Hon'ble Mr. H. S. Suhrawardy by his short-notice amendment, dated the 23rd May, 1939, in line 1, after the words "a loan advanced" the words "by a building society" be inserted was then adapted to clause 2 (*10*) (*f*) as finally proposed by the Hon'ble Mr. H. S. Suhrawardy by his amendment of the 24th May, 1939, put and lost.

The amendment of the Hon'ble Mr. H. S. Suhrawardy that after clause 2 (*10*) (*e*), the following be inserted, namely:—

> "(*f*) a loan advanced to any person for the purchase or construction of a house or for the construction of a house together with the purchase of the site thereof within the limits of the area defined by clause (*VI*) of section 3 of the Calcutta Municipal Act, 1923, or of any area which has been or may hereafter be constituted a municipality under the Bengal Municipal Act, 1932, if such loan is subject to the condition of repayment by instalments extending over a period of ten years or more",

was then put and a division demanded by Mr. Syed Hasan Ali Chowdhury.

Mr. SPEAKER: Under section 38 (3) of our Rules and Standing Orders, before I ask the House for divide, I want honourable members who are against the motion to rise in their seats.

(Eighteen honourable members stood up in their seats.)

Now I want the honourable members who are in favour of the motion to rise in their seats.

(The number of honourable members who rose in their seats was more than 18.)

The motion was then declared carried.

Mr. SYED HASAN ALI CHOWDHURY: Mr. Speaker, Sir, I want to have the names recorded of those honourable members who were against the motion of the Hon'ble Mr. Suhrawardy.

Mr. SPEAKER: I would have done so if you had risen in your seat immediately then.

Mr. SYED HASAN ALI CHOWDHURY: I rose immediately, Sir.

Mr. SPEAKER: I shall arrange to have those names recorded, if possible now.

We will now resume the discussion on the amendment of Dr. Sanyal about "commercial transaction". Dr. Sanyal, will you speak now?

Dr. NALINAKSHA SANYAL: I shall speak later on. As I have told you, I reserve my right to speak on the motion last as this is my motion.

Mr. SPEAKER: Is there anyone willing to speak now?

Dr. SURESH CHANDRA BANERJEE: Mr. Speaker, Sir, Money-Lending Bill এর আলোচনা প্রসঙ্গে মাননীয় সারওয়ার্দি সাহেব এবং প্রিয় বন্ধু মিঃ বারী বারে বারে বোলেছেন যে এই বিলের উদ্দেশ্য কৃষকদের মঙ্গলসাধন এবং সঙ্গে সঙ্গে তাঁরা এ-কথাও বোলেছেন যে কৃষকদের মঙ্গলসাধন কোরতে হোলে শুধু কৃষকদের পানে তাকালেই চলবে না, দেশে ব্যবসা-বানিজ্যের প্রসার, শিল্পের বিস্তারও কোরতে হবে। তাঁদের এই কথা শুনে আমাদের আশা হোয়েছিল যে বাস্তবিক তারা ঠিক ভাবেই Money-Lending Bill টি House এর সম্মুখে আনবেন, যাতে দেশের সত্যিকার যে মঙ্গল অর্থাৎ শিল্প-বানিজ্যের প্রসারতা সম্ভব হয়। কিন্তু ক্রমশঃ যখন আমরা দেখলাম যে তারা ক্রমে ক্রমে ১৯১৯এর ১লা জানুয়ারীর পূর্ববর্ত্তী Scheduled Bank, Insurance Company, Co-operative Bank প্রভৃতি বাদ দিচ্ছেন তখনও আমাদের মনে একটু আশা ছিল যে মাননীয় শ্রমিক মন্ত্রীমহাশয় তাঁর নামে যে ৭নং Amendment আছে সেটাও House এর সামনে এনে দেশের সত্যকারের মঙ্গলসাধনের জন্য অত্যাবশ্যক শিল্প-বানিজ্যের প্রসারের সাহায্যও কোরবেন। কিন্তু যখন দেখলাম ৭নং Amendment টি তিনি House এর সম্মুখে আনছেন না, তখন এই বিল সম্বন্ধে তাঁদের সমস্ত উদ্দেশ্য দিনের আলোকের ন্যায় ফুটে উঠলো। আমরা বুঝেছি যে তাঁরা দেশের সত্যিকারের মঙ্গল চান না। তাঁরা যে বোলেছেন যে দেশের শিল্প-বানিজ্যের প্রসার চান সেটা ফাঁকি-মাত্র। তাঁরা যে Scheduled Bank বাদ দিয়েছেন তাও শিল্প-বানিজ্যের প্রসারের উদ্দেশ্যে নয়, সেটা তাঁরা চাপে পড়ে বাদ দিয়েছেন। আর Co-operative Bank যে বাদ দিয়েছেন সেটা সম্প্রদায় বিশেষের স্বার্থের জন্য। Insurance Society যে বাদ দিয়েছেন তাও এই একই কারণে। সেই জন্য এ-বিল যে আকারে এনে এই গৃহের সম্মুখে উপস্থিত হোয়েছে সেই আকারে যদি পাশ হয় তা'হলে ভালতো, দেশের কিছুই হবে না, বরং মহা অমঙ্গল হবে। চারপরে বর্ত্তমানে যে সব Scheduled Bank আছে তাদের অধিকাংশ ভারতীয় বটে। এই সব Bank এ কত টাকা খাটে, ইউরোপীয়ানদেরই বা কত টাকা, ভারতীয়দেরই বা কত টাকা, ডাক্তার সান্যালের এ প্রশ্নের উত্তর মাননীয় শ্রমিক মন্ত্রীমহাশয় দেন নাই। এই প্রশ্নের উত্তর যদি তিনি দেন তা'হলে দেখা যাবে সে-টাকার শত-করা পাঁচ টাকা ভারতীয়দের আর শত-করা পঁচানব্বই টাকা ইউরোপীয়ানদের। এই আইন যদি এ-ভাবেই পাশ হয়, তবে তাহলে বাংলাদেশে আর কোন নূতন Bank এর অভ্যুদয় সম্ভব হবে না। কি কোরে হবে? এই রকম discrimination হেতু নূতন কোন Bank এর মাথা খাড়া করে ওঠার সম্ভব হবে না। যদি নূতন Bank গড়ে উঠতে না পারে তা'হলে দেশের মধ্যে শিল্প-বানিজ্যের প্রসারও হবে না। সেই জন্য আমি——

Mr. SPEAKER: Dr. Banerjee, will you kindly wait for half a minute? I am sorry to disturb you in the midst of your speech. I understand that over the "commercial transactions" there will be further negotiations among the different groups and parties. I do

not like to stand in the way of any possible agreement that might be reached. The difficulty is, as I am told, that it will not be possible to come to any agreement by to-morrow. What I would, therefore, like to suggest is that I would begin the other consequential provisions of clause 2 to-morrow. Will that be suitable to all the parties?

Babu NAGENDRA NATH SEN: Sir, to-morrow is fixed for the Finance Bill.

Mr. SPEAKER: But the Finance Bill is a small matter and is expected to be finished in a short time. We will take up "commercial transactions" on Monday, and, so, in the mean time you will get two or three days' time to consider the matter. I hope, that will do.

Mr. JOGESH CHANDRA GUPTA: Sir, we ought not to take up anything which may also have the bearing——

Mr. SPEAKER: I will consider that in the proper place. It is no use now for Dr. Banerjee to continue his speech. I would, therefore, like to adjourn the House till to-morrow.

Adjournment

The House was then adjourned till 4-45 p.m. on Friday, the 26th May, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 26th May, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 8 Hon'ble Ministers and 209 members.

STARRED QUESTIONS

(to which oral answers were given)

Excavation of a part of Brahmaputra in Narayanganj subdivision, Dacca.

*470. **Mr. DHANANJOY ROY:** (a) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware that a petition signed by about 50,000 people has been submitted to the Government for excavation of a part of the Brahmaputra river covering an area of 30 miles within the jurisdiction of Narayanganj subdivision in the Dacca district for improving the sanitary, agricultural, commercial and economic condition of 12 lakhs of people on condition of partial contribution and voluntary labour by the local public?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, are being taken by the Government in the matter?

(c) Is the Hon'ble Minister aware—

(i) that the river Ichhamati and major part of the river Burigangi in the district of Dacca have been silted up; and

(ii) that agricultural and commercial interest and sanitary condition of the local people have been affected?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (a) Yes.

(b) The improvement of a comparatively small length of the old Brahmaputra is not likely to be effective, but the problem arising from the deterioration of the river has to be studied as a whole on a comprehensive scale. A new Irrigation Division has been formed th

year at Mymensingh and among its functions will be the study of the river problems in Dacca, Mymensingh, Comilla, Noakhali and Chittagong districts and the suggestion of measures for their solution.

(c) (i) As the upper portion of the Ichhamati from the Sheor river down to the junction of the Bangabari *khal* does not receive a good spill from any source, the river is in a moribund condition. The lower portion receives some spill from the Dhalleswary and the Padma and is therefore in a fair condition.

The major portion of the river Buriganga has been silted up.

(ii) It is believed that public health has been affected. Inquiries are being made regarding the effect of the deterioration of the rivers, on agriculture and commerce.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় অনুগ্রহ করে বলবেন কি যে ঢাকাতে Irrigation Department এর কোন branch আছে কি না?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes, Sir. I think that there was a very small office.

Mr. CHARU CHANDRA ROY: এতদিন কোন data সংগ্রহ করা হোয়েছে কি না এই Irrigation সম্বন্ধে?

Mr. SPEAKER: The Hon'ble Minister has said that there was a very small office.

Mr. CHARU CHANDRA ROY: এতদিন তাহলে গভর্ণমেণ্ট কর্তৃক কোন রকম data সংগ্রহ করা হয় নাই?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, as I have had occasion to explain to the House during the budget discussion, the staff at the disposal of the department was much too inadequate to undertake collection of data in that district.

Distribution of agricultural loan and gratuitous relief in police-stations Kasba and Burichang, Tippera.

*471. **Mr. MAQBUL HOSSAIN:** (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing, union by union—

(i) the amount of agricultural loan distributed in Kasba and Burichang police-stations in the district of Tippera; and

(ii) the amount of gratuitous relief distributed in the said thanas?

(b) Is the Hon'ble Minister aware—

(i) that in some unions agricultural loan and gratuitous relief have not been given;

(ii) that many persons have not received any agricultural loan and gratuitous relief;

(iii) that there is scarcity of food in many unions of the two thanas; and

(iv) that people do not get a meal even once in a day or two?

(c) If the answer to (b) is in the affirmative, are the Government considering the desirability of giving relief to the distressed people by way of gratuitous relief and agricultural loans?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) A statement is laid on the table.

(b) (i) Yes.

(ii) Some persons did not accept the amounts offered on the ground that the amounts were short of their demand.

(iii) and (iv) No.

(c) The Collector is being instructed to enquire into the matter and to give loans and gratuitous relief to persons who are in need of them.

Statement referred to in the reply to clause (a) of starred question No. 471.

Name of thana and Union.	Amount distributed as agricultural loans.		Amount distributed as gratuitous relief.	
	1938-39.	1939-40.		
	Rs.	Rs.	Rs.	a.
Burichang.				
Mathabpur	2,766	..	..	
Chandia	4,124	..	..	
Shahebabad	3,285	20	..	
Burichang	3,839	..	..	
Solanal	823	..	..	
Bagshimul	495	..	..	
Kasba.				
Mulagram	9,645	..	23	6
Dharkhar	3,650	325	22	2
Badaif	3,380	..	12	8
Mamandha	..	260	..	
Mehari	..	..	2	2
Total	32,607	605	*61	2

*Raised by voluntary subscription.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to name any persons who did not accept any money though offered, because the amount fell short of their demand?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice, Sir.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state what were the amounts offered by Government and what were the amounts demanded by the agriculturists?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice, Sir.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state what is the maximum amount that has been allowed to one individual person?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am sorry, Sir, I have to ask for notice again.

Maximum amount of debt which comes under Agricultural Debtors Act:

*472. **Mr. NISHITHA NATH KUNDU:** (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(i) whether the Local Government have framed rule or rules under section 55, clause (2) (a) of the Agricultural Debtors Act fixing the maximum amount of debt which can be dealt with under the provision of the said Act;

(ii) if so, what amount has been fixed as the maximum; and

(iii) if not, why not?

(b) Is it a fact that the proprietor of the Baikhunthapur estate has filed a suit No. 9/5 of 1938 at the Shikarpur Debt Settlement Board in police-station Raiganj (Jalpaiguri) for his debts amounting to about Rs. 30 lakhs between himself and Babus Jagannath Roy and Balaram Roy, Assignee of Kumar Pramatha Nath Roy, and the Hon'ble Mr. Kumar Sankar Roy and others?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (a) (i) Yes.

(*ii*) Hon'ble member's attention is invited to the rules published with Notification No. 996-R.I., dated the 15th May, 1939, on pages 1230-31 of Part I of the *Calcutta Gazette*, dated the 18th May, 1939.

(*iii*) Does not arise.

(*b*) Yes.

Mr. NISHITHA NATH KUNDU: With reference to answer (*a*) (*iii*), will the Hon'ble Minister be pleased to state if the rules will apply to cases that are pending in the Debt Settlement Boards?

The Hon'ble Mr MUKUNDA BEHARY MULLICK: Sir, all these details are given in the rules themselves.

Mr. NISHITHA NATH KUNDU: I believe there is nothing in the rules to show whether the rules will apply to pending cases. Will it be possible for the Hon'ble Minister to state now whether they will be applicable to pending cases?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I believe, Sir, it is stated that these rules will apply to all cases on and from the 15th June next.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় দয়া করে বোলবেন কি এই rule টা এত দেরীতে হোল কেন?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I have explained this matter on several occasions to the House that, after the decision was taken by Government, we had to take legal opinion about the phraseology of the different rules; otherwise, one section of the creditors would be affected very badly.

Mr. NISHITHA NATH KUNDU: In view of the fact that the pecuniary jurisdiction of the Debt Settlement Boards has been fixed at Rs. 5,000, what was the reason for fixing the 15th of June as the date from which these rules were to apply to the cases pending in the Debt Settlement Boards?

Mr. SPEAKER: It was published on the 18th May.

Mr. NISHITHA NATH KUNDU: The thing is this, Sir——

Mr. SPEAKER: You can ask him why the rules were to apply from the 15th June and not from the 18th May?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I may tell the House that if the rules be taken effect from the date of publication, one year's rent would be barred in many cases. To prevent the arrear rent from being time-barred, we have fixed the 15th June as the date from which these rules will have effect.

Mr. SASANKA SEKHAR SANYAL: How will one year's rent be time-barred if the rules were to apply from the 18th May? Give us concrete examples.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already said, Sir, that under the rules one year's rent would be time-barred in that case.

Mr. NISHITHA NATH KUNDU: Does the Hon'ble Minister know that there is a provision in the Debt Settlement Board Act itself that the period for which the cases will be pending in the Debt Settlement Boards will not be counted for the purpose of limitation?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is true, Sir. But as soon as the order is made everything will be final from that date.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to explain what difference it would make if the date was fixed as 18th May and not 15th June?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: All that I can say, Sir, is that the cases in which there is the question of arrears of rent, the creditors will certainly take notice of it and adopt proper measures in the matter.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় কি দয়া করে বলবেন এই rule করবার পূর্বে কতকগুলি গুজব রটেছিল, তা কি ওদের কানে পৌঁছেছে?

Mr. SPEAKER: That question does not arise.

Babu NARENDRA NARAYAN CHAKRABARTY: [illegible] বিশেষের অবস্থা বিবেচনা করে এই তারিখটা ১৫ই জুন পর্যন্ত পিছিয়ে দেওয়া হোয়েছে কি না?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I shall answer that question in the negative.

Daily allowance, halting allowance and travelling allowance of members of the Revenue Enquiry Commission.

*473. **Mr. MAQBUL HOSSAIN:** (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing—

(i) the amount of daily allowance, halting allowance and the rate of travelling allowance drawn by each of the members of the Revenue Enquiry Commission; and

(ii) the date when the Revenue Commission commenced the enquiry?

(b) Is it in the contemplation of Government to include more members in the Commission?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) when; and

(ii) how many members will be taken?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) (i) A statement is laid on the table.

(ii) 19th November, 1938.

(b) Not at present.

(c) Does not arise.

Statement referred to in the reply to clause (a) (i) of starred question No. 473.

(1) Sir Frank Flood, K.C.B., K.C.M.G., *Chairman*—

Subsistence allowance—Rs. 10 per diem while in India.

Travelling allowance—Actual cost of all journeys for himself and Lady Flood.

(2) Sir F. A. Sachse, C.S.I., C.I.E.,—

Halting allowance and travelling allowance—As admissible to a 1st grade officer.

(3) Dr. Radha Kumud Mukherjee, M.A., P.R.S., P.H.D., M.L.C.—

Halting allowance and travelling allowance—As admissible to a 1st grade officer.

(4). Each of the other members—

Daily allowance—Rs. 30 per diem for each day on which they attend meetings of the Commission or are on tour with the Commission.

Halting allowance and travelling allowance—As admissible to officers of the 1st grade.

(5) Mr. M. O. Carter, M.C.S., P.C.S., *Secretary*—

Halting and travelling allowance—As admissible to him as a member of the Indian Civil Service.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state what are the reasons for granting travelling allowance to Lady Floud?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is a matter of convenience and Government thought that they were under an obligation to Sir Francis Floud. We are grateful to him that he kindly agreed to serve as Chairman of the Commission and so Government had to look to his convenience.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there has been any contract with Sir Francis Floud or any agreement in which the payment of travelling allowance to Lady Floud has been a condition?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, a gentleman's agreement.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if such a gentleman's consideration or contract is applicable or available to other members, and if not, why not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The arrangementment with all the members of the Commission is an informal agreement.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if other members——

Mr. SPEAKER: I hope, Dr. Sanyal, you will realise that as regards other members, they are entitled to travelling allowance according to the ordinary rule. The Chairman only is entitled to the actual travelling allowance.

Dr. NALINAKSHA SANYAL: But the amount drawn by the Chairman must be much more than is admissible under the rules.

Mr. SPEAKER: I do not think so.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the relative amount of the actual cost of all journeys for the Chairman and his wife as compared with that of the travelling allowance admissible to other members under the ordinary rules? What is the proportion?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: I ask for notice. I have not worked out the proportion: it may be more.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to give specific reply to question (c), viz., "the amount of daily allowance, halting allowance and the rate of travelling allowance drawn", that is, the actual amount drawn? In the answer the scale of the allowance drawn has been given?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: For that, Sir, I ask for notice.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether Lady Floud was helpful to the Commission?

Mr. SPEAKER: That question does not arise.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if it was a matter of bargain with Sir Francis Floud that he would be paid all these costs, at the time when he was appointed?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: As a matter of fact, there was no bargain. Government approached Sir Francis Floud through the Secretary of State for India and Sir Francis very kindly agreed to undertake this responsible duty. Government thought that they were placed under an obligation by his agreeing to our proposal.

Dr. NALINAKSHA SANYAL: Instead of repeating the debt of gratitude, will the Hon'ble Minister be pleased to state if Sir Francis Floud is working for love or for some consideration?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: There are many people who work for consideration, but the choice of persons suitable

for the work undertaken by Sir Francis is extremely limited; so Government thought that it was a matter of condescension on the part of Sir Francis Floud to accept this office and Government felt that they were placed under a debt of obligation.

Dr. MALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who was the gentleman who thought it necessary to enter into the gentleman's contract to which he has referred to enable the lady concerned to travel with Sir Francis Floud?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As we wanted the services of Sir Francis Floud, we had to look to his convenience and naturally we had to agree to the terms of Sir Francis Floud.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় কি এরকম convenience সকল member এর বেলায় বিবেচনা করবেন?

Mr. SPEAKER: That question does not arise.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state if this idea of giving daily allowance to Lady Floud originated from Sir Francis Floud or from the Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No daily allowance is granted to Lady Floud.

Mr. NISHITHA NATH KUNDU: With reference to item (4) of the statement, will the Hon'ble Minister be pleased to state if the daily allowance of Rs. 30 will be given to them besides the travelling allowance they will draw when they are on tour?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Travelling allowance and daily allowance are entirely different things.

"Development Fund" under the administration of the Registrar of Co-operative Societies, Bengal.

*474. **Mr. SATYAPRIYA BANERJEE:** (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether there is in existence such a fund called the "Development Fund" under the direct administration of the Registrar, Co-operative Societies, Bengal.

(b) If the answer to (a) is in the affirmative will the Hon'ble Minister be pleased to state the authority under which the fund has been constituted?

(c) Are the Government considering the desirability of laying on the table a copy of the order authorising the constitution of the fund?

(d) Will the Hon'ble Minister be pleased to state—

(i) the sources of the fund;

(ii) its location;

(iii) the purpose for which it is utilised;

(iv) whether the Bengal Provincial Co-operative Bank was consulted in the matter of the employment of the fund;

(v) who audits the payments out of the fund;

(vi) whether the fund has ever been audited by the Accountant-General, Bengal;

(vii) what is the amount of the fund on 31st January, 1939;

(viii) whether the Government are considering the desirability of laying a statement on the table showing, year by year, the amounts spent out of the fund for the six years 1933-38;

(ix) whether advances were made from the fund during the said period to the—

(1) South Calcutta Co-operative Credit Society,

(2) Bidyadhari Spill Area Fishermen's Co-operative Society, and

(3) Co-operative Housing Society of Park Circus area, Calcutta; and

(x) if so, the amounts recovered from them respectively?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (a) Yes.

(b) The fund was constituted in 1924 as a corollary to a provision in the bye-laws of the Co-operative Societies that in the event of dissolution of a society the Reserve Fund should be utilised for the development of co-operative movement or spent on some object of public good according to the wishes of the majority of the members subject to the approval of the Registrar.

(c) No formal order of Government authorising the original constitution of the fund is traceable, but in 1933 orders were issued by Government defining the purposes upon which the fund may be utilised.

(d) (i) The sources of the fund are:—any surplus assets of liquidated societies as are voluntarily contributed by the members of the societies for development of the co-operative movement and any other contributions voluntarily made by any Co-operative Society for the purpose.

(ii) The fund is kept with the Bengal Provincial Co-operative Bank, Limited.

(iii) The fund is utilised for—

(1) subsidy towards cost of organisation of a society;

(2) subsidy towards the cost of supervision or clerical establishment of a society which is desirable under the bye-laws of such a society with a view to development of the co-operative movement or a subsidy towards meeting any other charge which under the bye-laws of a society is debitable to the fund of the society—such as maintenance of schools, village sanitation, construction of roads, sinking of tube-wells and so on; and

(3) occasional or recurring donation to a society to assist it to attain the objects it has in view under the bye-laws.

(iv) It is not necessary to consult the Bengal Provincial Co-operative Bank in the matter of employment of the fund.

(v) and (vi) The fund was audited by the Accountant-General, Bengal, along with the audit of the office of the Registrar of Co-operative Societies in 1930. Thereafter as the Accountant-General did not audit the office of the Registrar, a departmental audit of the accounts has been made.

(vii) The available balance of the fund as at 31st January 1939 was Rs. 214-15-3.

(viii) A statement is laid on the table.

(ix) (1) and (3) No.

(2) Yes.

(x) A sum of Rs. 2,672 has been recovered from the Bidyadhari Spill Matsyajibi Samabaya Samity.

Statement referred to in the reply to clause (i) (viii) of starred question No. 474.

Year.	Amount spent out of the Development Fund.		
	Rs.	a.	p.
1933	10,342	5	6
1934	1,846	13	3
1935	1,032	3	3
1936	1,741	5	0
1937	2,811	14	0
1938	875	0	0

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how the entire development Fund is constituted?

Mr. SPEAKER: What do you mean by that?

Dr. NALINAKSHA SANYAL: Sir, I like to know what are the respective contributions of the different sources of the fund that are mentioned under (*d*) (*i*)?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the fund is properly audited and accounts kept?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already given the answer in (*v*) and (*vi*)

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the auditors gave a clean report on the audit so far? What was the nature of the audit report of this fund?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice.

Dr. NALINAKSHA SANYAL: With reference to answer (*x*) that a sum of Rs. 2,672 has been recovered, will the Hon'ble Minister be pleased to state the sum that has not been recovered?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: All that I can say is that the original sum that was advanced to the society in 1933 was Rs 7,141-10-9. Out of this sum, the sum mentioned here has been recovered

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether any other sum was subsequently given?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not think any other sum was given, but if my friend wants to know details, I must ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is not a fact that a temporary accommodation was given to the South Calcutta Co-operative Credit Society when it was in difficulty in the year 1936-37 out of this fund?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have answered this question by saying "No".

Dr. NALINAKSHA SANYAL: I wanted to know whether there was any temporary accommodation, but was subsequently given. Your reply is based on the actual sum outstanding at the time of the question.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I may refer the honourable member to the question, namely, whether advances were made from the fund during the said period to the South Calcutta Co-operative Credit Society, and my answer to it is "No".

Dr. NALINAKSHA SANYAL: Am I to take it that no such advances——

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have nothing further to add.

Mr. SATYAPRIYA BANERJI: With reference to answers (v) and (vi), will the Hon'ble Minister be pleased to state when was the last audit made?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I ask for notice.

Bengal Veterinary College, Cattle Ward.

*475. **Mr. AHMED HOSSAIN:** (a) Will the Hon'ble Minister in charge of the Agriculture and Veterinary Department be pleased to state—

(a) the number of cattle in the cattle ward of the Bengal Veterinary College from the 15th of February till the 2nd of March, 1939;

(ii) the ration supplied for those animals during the said period;

(iii) the ration as sanctioned for each head of cattle per diem; and

(iv) the ration actually supplied for each head of cattle, per diem, during the period?

(b) Is the Hon'ble Minister aware that no ration was supplied during the said period?

(c) If the answer to (b) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, do the Government propose to take in the matter?

MINISTER in charge of the AGRICULTURE and VETERINARY DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (a) (i) Average 31 patients *plus* 8 Government cattle per day.

(ii) 131 maunds 16 seers 4 chattaks of food

(iii) There is no fixed scale. The cattle are fed according to individual requirements.

(iv) 8½ seers on average per animal per day.

(b) No.

(c) The question does not arise.

Mr. MIRZA ABDUL HAFIZ: With reference to answer (b), will Hon'ble Minister be pleased to state whether he made any enquiry as to the ration that has been supplied to the animal during the period mentioned in the question?

The Hon'ble Mr. TAMIZUDDIN KHAN: On enquiry the information was elicited that the allegation is not true.

Mr. MIRZA ABDUL HAFIZ: My question is whether the Hon'ble Minister is aware that no ration was supplied during the said period and the answer is "No". This means the Hon'ble Minister is not aware whether the ration was supplied or not. My present question is whether he made any enquiry as to whether any ration was supplied during this period?

The Hon'ble Mr. TAMIZUDDIN KHAN: By "No" apparently it is meant that the allegation is not true. The ration was actually supplied.

UNSTARRED QUESTIONS

(answers to which were laid on the table).

Issue of cheques by the Superintendent, Co-operative Milk Societies, Bengal.

224. Mr. DHIRENDRA NARAYAN MUKHERJEE: (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware that the late Superintendent, Co-operative Milk Societies, Bengal, issued the following cheques in favour of the Bengal Provincial Co-operative Bank, Limited, and cashed them by it—

Date	Amount
	Rs.
13th August 1936	130
2nd September 1936	500
15th September 1936	300
29th September 1936	300
6th October 1936	350
20th October 1936	250
28th November 1936	184
8th December 1936	58
14th December 1936	35
1st April 1937	750
12th April 1937	600
3rd May 1937	700
2nd July 1937	950
28th July 1937	600
29th September 1937	400
25th October 1937	650
Total	6,657

If so, have these cheques been credited in the account of the payee bank (Bengal Provincial Co-operative Bank)?

(*c*) If not credited, will the Hon'ble Minister be pleased to state the reason thereof?

(*d*) Were these cheques issued in repayment of any loan or advance made to the drawer by the payee bank?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state who sanctioned the loan?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) I have no information.

(*b*), (*c*) and (*e*) Do not arise.

(*d*) No; the Provincial Bank cannot make loans or advances to any individual.

Mr. SURENDRA MOHAN MAITRA: With reference to answer (*a*), will the Hon'ble Minister be pleased to state what he means by "I have no information"?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If I may explain, the Superintendent of the Co-operative Societies had no account whatsoever with the Provincial Co-operative Bank. Therefore, they could not trace whether all these cheques passed through the bank or not.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state whether the cheques were actually issued by the Superintendent upon the Provincial Bank as the dates mentioned in the question show that several cheques were issued?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: My honourable friend will realise that as the Superintendent had no account whatsoever with the Provincial Bank, the dates would not give them any opportunity to find out whether the cheques mentioned in the question passed through the Bank or not.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what information he has in connection with the payment or payments of a number of cheques purporting to be of this description?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have no information.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that complaints were made to him about the payment of a certain number of cheques by this Superintendent in connection with some debts of his to the Provincial Co-operative Society or Bank whatever he might have in his mind?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I cannot recollect that any such thing was done at all.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the Co-operative Milk Society has an account with the Co-operative Provincial Bank?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I submit, Sir, that this question does not arise out of this.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the Superintendent, Milk Society, had drawn cheques on behalf of the Co-operative Milk Society in liquidation for personal debts or otherwise?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I submit again that this question does not arise out of this.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, it is for you to decide whether this question does not arise.

The position is this: This gentleman has drawn cheques as Superintendent, Co-operative Milk Society. The question refers to him as Superintendent and not merely as a person.

Mr. SPEAKER: Your question is that he had drawn certain cheques in favour of Bengal Provincial Co-operative Bank and encashed them there.

Dr. NALINAKSHA SANYAL: The Hon'ble Minister has said that this particular gentleman had no personal account in the Bank.

Mr. SPEAKER: Your further enquiry with regard to this question is whether the Milk Society, of which he is the Superintendent, had any account and whether he drew any cheques in that connection?

Mr. Mullick, you have got to explain as to how this question does not arise. As far as I understand the question, it is this: that this gentleman as Superintendent of the Milk Society has drawn certain cheques on the Bengal Provincial Co-operative Bank, but he did not utilise them in favour of the Milk Society. He utilised them for his own personal purposes or some other purposes.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would again submit that as I understand the question, it refers to the Superintendent himself and not to the milk union, and if my honourable friend——.

Mr. SPEAKER: It is not for me to interfere, but the Hon'ble Minister will remember that I had a good deal of difficulty to decide as to whether a certain question, which I would not ordinarily allow, would be admitted or not. This was a question on which I took a very long time to come to a decision, because the allegations were of such a very serious nature that I thought in the interest of the officer himself and his department the question should be admitted. When a question of this character is made I think it is for the Hon'ble Minister to consider whether in view of the very serious nature of the allegation something more should not be done. I can say that it really took hours to consider the question. Practically I had to redraft it.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If the details of the accounts of the Milk Society are wanted, I am sorry I must ask for notice.

Dr. NALINAKSHA SANYAL: Is the question held over then?

Mr. SPEAKER: No. He has answered. He asks for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who was the Superintendent of the Milk Society between 13th August, 1936, and 25th October, 1937, when certain cheques were drawn?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry I do not find the name in my file. If the information is wanted, I would have to ask for notice.

Dr. NALINAKSHA SANYAL: Was he Mr. Narendra Nath Bose?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Might or might not be.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government keep any record of the names of officers serving under them in various departments on various dates?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I believe they do.

Dr. NALINAKSHA SANYAL: If that is a fact, will the Hon'ble Minister be pleased to state the name of the officer who was holding the post of Superintendent from August, 1936, to October, 1937? Evasion will not do.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I would protest against the last sentence of the honourable member.

Mr. SPEAKER: I hope the Hon'ble Minister would realise that this is a question in which serious allegations have been made against the departmental administration. I think that for the sake of the reputation of the department it is desirable that a complete answer should be given. I am sorry to say that the answer given is not quite satisfactory.

Dr. NALINAKSHA SANYAL: Shame, shame.

Mr. SPEAKER: Dr. Sanyal, if you behave in this way, I will have to take——

Dr. NALINAKSHA SANYAL: The Hon'ble Minister showed his anger towards me and I have every right to show my resentment to him.

Mr. SPEAKER: You have no business to interfere so long as I am on my legs. Next time, if I find that when I am on my legs, you are interfering in any way, I will be put to the painful necessity of taking some steps in the matter. It is never in the Parliamentary tradition that when the Speaker is on his legs and is giving a decision, he should be interfered with.

Dr. NALINAKSHA SANYAL: My remarks are not meant for you, Sir.

Mr. SPEAKER: All I say to the Hon'ble Minister is that in the question very serious allegations have been made. When the reply is that Government is not aware as to who was this particular officer from August 1936 to October, 1937, I do not say that technically it is not correct. But surely when a question containing such serious allegations is put, you cannot say that Government does not know the name of the officer. Of course, it is very difficult for me to interfere.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am extremely sorry, Sir. If such details were wanted I expect that the question should have been put in that way, so that the information could be supplied.

Mr. SPEAKER: As a matter of fact, I may say that it is not the fault of the honourable member that the question was not put in that way. But with a view to maintain a certain standard of Parliamentary

tradition, I have been trying my level best to keep the names out. A good deal of mischief will be done if names are mentioned. If particulars have been left out in this case, it is not the fault of the honourable member. If you see the question as originally put, you will find I had cut out a lot. I can assure you that I had to draft most of these questions myself with a view to satisfying the members' point of view as well as the Parliamentary tradition. Therefore, you may take it that it is not the fault of the honourable member. One of the reasons why I admit with a good deal of reluctance some of these questions is to give an opportunity to Government to explain their position and I hope they will realise that. If Hon'ble Ministers desire in future that names should be published, I would be most glad to send the questions as they are received on to the departments concerned and expose the administration to a position which cannot be absolutely correct. Much mischief might be done by admitting questions with names.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am extremely sorry for it. The question did not indicate to me that the name and other details would be asked and therefore I am sorry I have not brought all the papers with me. But if my honourable friend wants to know, I am prepared to supply all the details.

Dr. NALINAKSHA SANYAL: In view of the explanation given by the Hon'ble Minister, I suggest that the question be withdrawn for the time being and your office be requested to send the question in the original form, so that the Hon'ble Minister may know the exact position in regard to this question and come prepared with a full reply.

Mr. SPEAKER: In view of the recent statement of the Hon'ble Minister, I cannot do that. His answer is quite satisfactory.

Dr. NALINAKSHA SANYAL: So far as this question is concerned, evidently the Hon'ble Minister in charge could not trace the particular allegation or allegations made. Therefore, I suggest that the original question may be sent to him to enable him to prepare his answers fully.

Mr. SPEAKER: I cannot do that, because as the question stands, it is specifically mentioned as "the late Superintendent". I take it that the gentleman is not in service now.

Mr. SURENDRA MOHAN MAITRA: He is.

Dr. NALINAKSHA SANYAL: Not in the same post.

Mr. SPEAKER: If there are many men with the same name, Government might say that it would be difficult to make an enquiry.

Dr. NALINAKSHA SANYAL: I wanted to know the name of the officer in the first instance and then I even suggested the name. Government say "Might or might not be".

Mr. SPEAKER: In view of the answer given, I might say that the names of the Banks in which accounts were kept were also given in the question. I did not purposely give those things. In case the Hon'ble Minister feels that he is not informed, I can supply the question as it was sent to me and then it is for him to consider whether to answer further or not.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am extremely sorry, Sir. I may read out what I have for the satisfaction of all my friends. The Superintendent of Milk Societies had no account in the Provincial Bank and as such there was no record to show that these cheques were passed by the Provincial Bank. Therefore, it is not possible to ascertain the information.

Mr. SPEAKER: I shall send the question on to the Hon'ble Minister as it was originally put.

Mr. KIRAN SANKAR ROY: May I suggest that this question be treated as a short-notice question?

Mr. SPEAKER: I will consider what should be done. I am anxious that as many questions as possible should be admitted. At the same time I feel I should not allow anything which is not in the best traditions of Parliamentary practice. After Government gets the question it is for the Hon'ble Minister to consider whether he will give further answers or not.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes.

Dr. NALINAKSHA SANYAL: May I have the position cleared up? After the question is sent, you have just said, it will be for the Government to decide whether to answer further or not.

Mr. SPEAKER: That is right.

Dr. NALINAKSHA SANYAL: It is for the House or for you to consider whether the question is to be answered further or not.

Mr. SPEAKER: You are misunderstanding things, Dr. Sanyal. What I propose to do is this. The question will be kept admitted in

the form in which it has been admitted, but with a view to enable Government to trace the information, I shall supply the particulars which have been given in the original question. If as a result thereof Government think that they have nothing further to add, Government will say so. I have got no control over that. But if Government think that they can add something more, they will do so.

Damage of houses, etc., during last floods in Murshidabad.

225. Maulvi ABDUL BARI: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) how many houses including school buildings collapsed during the last flood in the district of Murshidabad;

(*ii*) how many of them have been rebuilt since then;

(*iii*) how much money has been contributed for the rebuilding of the houses; and

(*iv*) whether there was any demand of money for reconstruction of houses?

(*b*) Have the Government taken any steps for the reconstruction of the public institutions which suffered damages during the last flood?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) 27,560.

(*ii*) Government have no information.

(*iii*) Rs. 10,000 by the District Board and Rs. 11,800 from the balance of local relief committees funds.

(*iv*) Yes.

(*b*) The question is too vague. If the member will be more specific as to which institutions he is referring to, it may be possible to obtain information.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether there was any sum contributed by Government for the reconstruction of school-buildings which collapsed during the last flood?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, not by Government in the Revenue Department.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that a resolution was adopted by the District School Board, Murshidabad, requesting Government to sanction a sum of Rs. 10,000 for the reconstruction of school-buildings?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not remember to have received any such resolution. Probably it was sent to the Education Department.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that a resolution was adopted by the District Flood Relief Committee, Murshidabad, requesting Government to sanction a sum of Rs. 10,000 for the reconstruction of school-buildings?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I don't remember, Sir. I ask for notice.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that only a month ago he stated in this very House that Government are contemplating contributing something for the reconstruction of the houses that collapsed in the district of Murshidabad?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Maulvi ABDUL BARI: In view of this answer "Yes", will the Hon'ble Minister be pleased to state whether any steps have since then been taken by Government for that purpose?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Not as yet.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state when Government intend to take such steps?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is very difficult for Government to give any particular date on which they might come to a decision. Government are very busy, especially so far as the district of Murshidabad is concerned, with regard to the current problem and they had no time to divert their attention to the collapsed school-building which occurred a year ago. The honourable member knows very well that he gives me no peace and also how much money Government have been spending on his district.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to give us an approximate idea of the time by which Government expect to come to a decision in the matter?

Mr. SPEAKER: That all depends on the time which will be taken by Government to consider the case.

GOVERNMENT BILLS.

The Bengal Finance Bill, 1939.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that the amendments made by the Bengal Legislative Council to the Bengal Finance Bill, 1939, be taken into consideration.

Sir, there were two amendments made by the Bengal Legislative Council in the Finance Bill, namely, to section 7 and section 9. So far as the amendment to section 7 is concerned, Government do not accept its principle, but in order to expedite the enforcement of the Act to discharge their financial liabilities, Government will not oppose it in this session but would request the House to accept the amendment. So far as amendment to clause 9 is concerned, it may also be accepted, because it is necessary in connection with this section.

Dr. NALINAKSHA SANYAL: Sir, I rise to oppose the motion of the Hon'ble Mr. Sarker on absolute grounds of principle. On a previous occasion we had claimed that so far as Finance Bills are concerned, this House, the Bengal Legislative Assembly, must have the last and final say in this connection and will not brook any interference with taxation proposals. That has been the tradition of all Houses elected on a democratic franchise. If such democratic principles are followed elsewhere, I would only claim that similar principles be followed here as well. The only significance of that might be that there would be the necessity of a joint session. It is not such a contingency for which this House, the so-called Lower House but in fact the only House which by the Act is entitled to initiate taxation proposals, should be denied the privilege of shaping their taxation proposals in any manner that this House chooses. On one occasion, Sir, you said, how jealous we are and we ought to be in protecting our rights. I would only submit that in pursuance of that statement of yours, that stand which you have taken on behalf of this House, we should reject the motion of the Hon'ble Mr. Sarker, not with a view to putting any obstacle in the way of Government but to teach a lesson to the Bengal Legislative Council.

Mr. SPEAKER: I can assure Dr. Sanyal that so far as I am concerned, I cannot teach any lesson to anybody, but I do think that while there might be something to be said on the question whether this Bill should be hurried through or not, there is no doubt that we have to keep a constant watch as to what extent the constitutional powers vested in the popularly elected Chamber is either jeopardised or is likely to be jeopardised. I stand by it, and if an occasion comes later

on which might be a repudiation of this, that is a matter which I will desire the House to consider. For the time being, I leave the matter also to the House for its consideration.

Now, there are four amendments. I may inform Mr. Biswas that any amendment in his name, if carried, will have to be taken up again to the other House.

Dr. NALINAKSHA SANYAL: May we take it, Sir, that you have just said that if any amendment is carried here, it will have to be taken up in the other House? I believe the position is not like that but that the matter will have to be taken up to a joint session of both the Chambers.

Mr. SPEAKER: It will have to be taken back to the Legislative Council again, and after that, if necessary, it will be taken up in a joint session.

Mr. Biswas, are you moving all your amendments?

Mr. SURENDRA NATH BISWAS: Sir, before I move my amendments, I beg to oppose the amendment made by the Legislative Council to clause 7. Sir, although it may sound very bad that while the amendment purports to transfer some power from the hands of the Government to the Legislature, the Legislature should oppose it, I have got weighty reasons in this particular case not to be in favour of the proposed transference of power from Government to the Legislature unless and until we get an assurance from the Government that for doing justice to the cases which may come up to them for exemption or remission Government should frame the rules for that purpose and get them passed by the Legislature, before putting the Act under operation.

Now, Sir, as regards clause 7 of the Bill, as passed by the Assembly, I would like very much to draw the attention of the members of the Coalition Party to its implications. Let them kindly listen to me, because I am moving a matter which concerns them also; and I would ask them not to reject whatever I say because I am a Congressman, but to consider the views which I put forward before them for their favourable consideration. Clause 7, as passed by the Legislative Assembly, gives power to Government to exempt or remit the capitation tax of Rs. 30. Now, the amendment, as has been passed by the Council, states that the Government may exempt, but according to certain rules which they may frame subject to the approval of the Provincial Legislature. That means that if any case for exemption comes up before the Government, then the Government may say that

they cannot exempt till the rules are framed and passed by the Legislature. Saying that, Government may not consider the exemption or remission of this capitation tax in deserving cases. Now, whether that attitude, if taken by the Government, will harm the public or not, is a matter which ought to be considered by the members of this House. As soon as this Bill will be passed, what are the Government expected to do? As has already been said by the Hon'ble Finance Minister, as soon as the Bill is passed, he will expedite the collection of this capitation tax. There is every likelihood of many deserving cases coming up before the Government.

Now, there is every likelihood of many cases coming up before Government for exemption or remission. I shall cite a few examples of such cases. Sir, this Bill empowers Government to assess every person, who was assessed to income-tax last year, to pay a capitation tax of Rs. 30 this year. Now, this capitation tax of Rs. 30 will be payable by those persons who were assessed to income-tax last year, but who are the persons who were assessed to income-tax last year? It is those persons who had an assessable income during the year before last. That means that, even if since the beginning of the last year, such persons have had no assessable income, they will be taxed by Government this year. In the course of these two years, many persons who had assessable incomes——

Mr. SPEAKER: Mr. Biswas, I am sorry I have to intervene at this stage. There are only two specific points for debate and nothing more than that. The first point is whether you want that these rules should be framed with previous publication or without previous publication. The second point is whether the rules that are to be framed for exemption should be with the approval of the provincial Legislature or not. If you do not want the approval of the provincial Legislature —we passed the Bill without approval and the Council passed with approval—please say so. Therefore, the only point that is in issue is not the elaborate discussion which you are making, but whether you want the approval of the Legislature or not and whether you want previous publication or not—and nothing more than that.

Mr. SURENDRA NATH BISWAS: Sir, I have not yet moved my amendment. I have already pointed out that I am opposing the Council amendment to clause 7 on the ground that when cases of exemption will come up before Government they may make an excuse——

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Sir, it arises, because I oppose the amendment which states that Government will not be able to

exempt any person, without rules being framed with the approval of the provincial Legislature. I feel that it will take a good deal of time to get the approval of the provincial Legislature, because these rules will not come up before the Legislature unless——

Rai HARENDRA NATH CHAUDHURI: But you propose the same thing!

Mr. SURENDRA NATH BISWAS: How am I proposing the same thing? The Council amendment provides that the rules may be framed by Government subject to.....(RAI HARENDRA NATH CHAUDHURI: No, no.): Yes, yes. Sir, I object to the amendment because it may take a long time to get the approval of the Legislature to the rules framed by Government. Government may have their own excuses for not framing the rules for exemption, though we expect that Government will frame the rules as soon as this Bill is passed into law. And if the acceptance of the rules is subject to the approval of the provincial Legislature, it will take much more time; and on account of this prolongation for which the members of the House will not be responsible, the public will suffer. Government may not summon the Legislature for months together to place the rules even if framed, before the Legislature. It may take six months or twelve months or more to have approved rules for guidance in the matter of exemption. Now, as soon as this Bill is passed,—supposing that it is passed next month—Government will begin to collect taxes from next month, but people who have lost their jobs in the meantime or people whose professional income has fallen during these two years, their cases may not be taken into consideration for the purpose of exemption. I submit, Sir, that these are cases which are fit for exemption, and these cases are sure to come up before Government for exemption but will not be considered for want of rules. So, I submit, Sir, that if Government assure me that they will put up the rules before the Legislature for approval before they give effect to the Act, i.e., before they begin to collect the capitation tax, I am prepared to withdraw my opposition. Unless such assurance is given I shall request the members of the House to understand the implication of the Council amendment and to oppose it.

Mr. SPEAKER: You are now opposing the amendment. May I know what is the difference between your proposal and the Council amendment? Is there any difference?

Mr. SURENDRA NATH BISWAS: The difference is this, Sir. Government may refuse to consider the applications for exemption——

Mr. SPEAKER: I am sorry I cannot follow your argument. Let us clarify the issue. The Council amendment is to frame rules for exemption subject to the approval of the provincial Legislature. Your proposal is that the rules should be framed by Government with the approval of the provincial Legislature.

Mr. SURENDRA NATH BISWAS: Yes, Sir, that is my amendment which is not yet moved. I am now opposing the Council amendment. As I began saying, I was very reluctantly opposing the Council amendment——

Rai HARENDRA NATH CHAUDHURI: May I point out, Sir, the difference between the Council amendment and Mr. Biswas's proposal as I understand him?

Mr. SPEAKER: Yes.

Rai HARENDRA NATH CHAUDHURI: The difference is this that here in the Council amendment it is stated: "The Provincial Government *may* frame", but Mr. Biswas's idea is that the word "may" should govern "exemption". That is the difference.

Mr. SPEAKER: Mr. J. C. Gupta, will you please come to the rescue?

Mr. JOGESH CHANDRA GUPTA: Certainly, Sir. The amendment as passed by the Upper House means that the rules for exemption will be framed and approved by the provincial Legislature, and Mr. Biswas's motion says that the rules should be approved by the provincial Legislature. One is in a direct manner and the other in an indirect manner. That is the difference.

Mr. SPEAKER: Mr. Biswas, I am afraid that your amendment is wholly out of order on the ground that it is redundant.

Mr. SURENDRA NATH BISWAS: Sir, I will show that it is not out of order in spite of what the members of my party may say. (Laughter.)

Mr. SPEAKER: I have every sympathy with you, but your amendment No. 4 is out of order on the ground of redundancy.

Mr. SURENDRA NATH BISWAS: It may be so. But I say, Sir, that I am not speaking on my amendment. I am for the present opposing the Council amendment. I submit that if we allow Government to frame the rules as under clause 9, it will empower Government——

Mr. SPEAKER: Order, order. You are opposing the main amendment. You can call a division if you like.

Mr. SURENDRA NATH BISWAS: I do not want to call a division. But as I have already said, I want the Hon'ble Finance Minister to say that these rules will be framed and passed through the Legislature before Government go on collecting taxes. But, I am afraid, Government will not put up the rules before the Legislature before collection. Sir, it is the Government who alone can do so. We cannot ourselves frame the rules, and put up the same before the Legislature. It is very likely that Government will take time only to frame the rules, say, for six months, or eight months or more. In the meantime there shall be no exemption or remission. That is our difficulty. If the Hon'ble the Finance Minister——

Mr. SPEAKER: Order, order. I am afraid that you have not taken good legal opinion. (Laughter.) The proper legal opinion would be that this amendment be rejected and the original proviso be substituted.

Mr. ZAHUR AHMED CHOUDHURY: He is himself a lawyer.

Mr. SPEAKER: Motion No. 4 of Mr. Biswas does not arise.

Mr. SURENDRA NATH BISWAS: Sir, I have not moved any amendment yet.

Mr. SPEAKER: Then you have only wasted the time of the House.

Mr. SURENDRA NATH BISWAS: Sir, I object to that language. You have done me an injustice.

Mr. SPEAKER: Order, order. You have wasted the time of the House for the last five minutes. If you do not want to move your amendment, you ought to have said so and sat down. I am afraid you are taken away too much by your own feelings.

Mr. SURENDRA NATH BISWAS: I think I am badly treated. I did not move any amendment.

Mr. SPEAKER: Order, order. Will you please sit down?

Mr. Biswas, may I know if you are going to move your amendments Nos. 5 and 6?

Mr. SURENDRA NATH BISWAS: I shall move all the amendments.

Mr. SPEAKER: I shall place the amendments as passed by the Council. So far as No. 4 is concerned, it is out of order.

The motion that clause 7 stand part of the Bill was then put and agreed to.

Mr. SPEAKER: Now we come to clause No. 9. Mr. Biswas, will you please say how your amendments Nos. 5 and 6 arise?

Mr. SURENDRA NATH BISWAS: The clause as amended by the Council runs as follows: "The Provincial Government may after previous publication make rules for carrying out the purposes of this Act." Now, if my amendment is accepted, the clause will read as follows:—

"The Provincial Government may make rules for carrying out the purposes of this Act:

Provided that before such rules are finally adopted, draft rules for that purpose shall be published in the official Gazette, and the opinions, if any, of the public including the members of the Provincial Legislature elicited thereon shall be duly considered".

Sir, I also desire that the rules be published but I further desire to clarify the object of such publication. The wording of the amendment "after previous publication" is not very clear, as to the object of publication. That is why I have brought in this amendment.

Mr. SPEAKER: The only question is about previous publication and I want to know from you how other subjects which you are proposing, namely, that the Provincial Legislature has to be consulted, are relevant.

Mr. SURENDRA NATH BISWAS: By putting in "after previous publication", the intention of the Upper House was certainly this: that before these rules are enforced, they should have wide publication for the knowledge of the public and the public opinion elicited thereon should be considered. In my amendment I have laid down the procedure as to how and why that should be published.

Mr. SPEAKER: In view of the restricted nature of our Bill, may I know the candid opinion of Mr. J. C. Gupta as to whether amendments Nos. 5 and 6 are in order?

Mr. JOGESH CHANDRA GUPTA: My difficulty is that the Finance Bill has been fixed for to-day all on a sudden and as a party, we have not considered the amendments.

Mr. SPEAKER: I want to know your own candid opinion whether these amendments are in order.

Mr. JOGESH CHANDRA GUPTA: I have not thought about it. May I leave it to you.

Mr. SPEAKER: That is the simplest way! (Laughter.)

Mr. DHIRENDRA NATH DATTA: Sir, I submit that amendment No. 5 is in order. Mr. Biswas wants to have the opinion of the public by notification and unless the opinion of the public is taken, it becomes meaningless.

Mr. SPEAKER: I am not going to rule it out of order. I find, so far as rules are concerned, that amendments have to be relevant to the subject-matter. This is certainly, to a certain extent, relevant to the subject-matter. But I may draw the attention of Mr. Biswas to the provision of the General Clauses Act: Where by any Bengal Act the power is there for previous publication, then the following provision must be applicable, namely, that the rules and bye-laws are to be made with the sanction of another authority and that authority shall consider any objection or suggestion which may be received from anybody. That is an absolutely statutory provision of the General Clauses Act. Anyway, Mr. Biswas, will you move Nos. 5 and 6?

Mr. SURENDRA NATH BISWAS: I am moving to

I beg to move that in sub-clause (*1*) of clause 9, lines 1 and 2, the words "after previous publication" be omitted and that the following proviso be added to it:—

"Provided that before such rules are finally adopted, draft rules for that purpose shall be published in the official Gazette and the opinions, if any of the public including the members of the Provincial Legislature elicited thereon shall be duly considered".

"I also beg to move that in sub-clause (*1*) of clause 9, lines 1 and 2, the words "after previous publication" be omitted and that the following proviso be added to the said sub-clause (*1*) of clause 9:—

"Provided that before such rules are enforced, the same shall be duly published in the official Gazette as well as in the Calcutta and district newspapers."

Sir, these amendments will speak for themselves. I need not argue at length. I want that the public should know what rules were going to be made. By amendment No. 5, I desire that Government should give wide and proper publicity to the rules that they are going to make under clause 9, so that the public may give their opinion. Why I want this, I shall explain by citing one example. I have not seen the official Gazette but I understand that the Income-Tax Department have issued a rule that all persons having assessable income must apply to the Income-Tax Office for the form of return, then fill up the form and submit it—— &c.

Mr. SPEAKER: This is wholly irrelevant.

Mr. SURENDRA NATH BISWAS: As an illustration only, I have referred to this rule of the Income-Tax Department. I want that such rules may not be adopted by Government without previous publication and taking the opinion of the public thereon. I should like that the Government should accept my amendment No. 5

If the Government do not accept my amendment No. 5 which desires that public opinion should be considered I submit that my second amendment should be accepted because it is harmless and innocent. By the second amendment I desire that before such rules are enforced the same rules should be published not only in the *Calcutta Gazette* but also in the Calcutta and district newspapers. My request is very simple and I think that if these rules are published in the *Calcutta Gazette* and the Calcutta and district newspapers the public will be well informed of these rules and may act according to these rules, otherwise their ignorance of these rules may land many persons to many difficulties. In order to avoid future difficulties, I submit that Government should adopt this method and accept my suggestion.

The Hon'ble Mr. NALINI RANJAN SARKER: I beg to oppose both these amendments. So far as amendment No. 5 is concerned, it has been just said that under the General Clauses Act if any objection is made by anybody after seeing the Bill published in the official Gazette, Government is bound to consider that objection but so far as publication is concerned it has been the practice that all Government matters particularly rules, standing orders and Bills are published and they are recognised as publication. As it is a Finance Bill, I may assure the House I shall give it as wide a publicity as possible. I am not prepared to accept the amendments moved by Mr. Biswas.

The amendment of Mr. Surendra Nath Biswas that in sub-clause (*1*) of clause 9, lines 1 and 2, the words "after previous publication" be omitted and that the following proviso be added to it:—

"Provided that before such rules are finally adopted, draft rules for that purpose shall be published in the Official Gazette and the opinions, if any, of the public including the members of the Provincial Legislature elicited thereon shall be duly considered",

was then put and lost.

The amendment of Mr. Surendra Nath Biswas that in sub-clause (*1*) of clause 9, lines 1 and 2, the words "after previous publication be omitted and that the following proviso be added to the said sub-clause (*1*) of clause 9:—

"Provided that before such rules are enforced, the same shall be duly published in the Official Gazette as well as in the Calcutta and district newspapers", was then put and lost.

Mr. SURENDRA NATH BISWAS: I beg to move my amendment No. 3.

Mr. SPEAKER: How does it arise?

Mr. SURENDRA NATH BISWAS: It arises thus: If clause 7 is passed, then clause 9(*2*)(*e*) becomes unnecessary. These two clauses are conflicting. One may take shelter under clause 9(*2*)(*e*).

Mr. SPEAKER: All I can say so far as your point is concerned is that it is absolutely correct and I think Government agrees with it. But this sub-clause becomes unnecessary if the Provincial Government may frame rules subject to the approval of the Provincial Legislature for the exemption of any person or class of persons from the operation of this Act, or the remission in whole or in part, of the tax payable under this Act by any person or class of persons. Really speaking clause 9(*2*)(*e*) does not arise.

Rai HARENDRA NATH CHAUDHURI: It is redundant.

Mr. SPEAKER: I shall have to consider whether there should not be a consequential amendment in the Bill. It is not necessary to fear that Government might abuse its authority; Government cannot do it because according to the interpretation where there is a specific provision in a law, Government cannot possibly take recourse to a general power unless some special direction is given.

The Hon'ble Mr. NALINI RANJAN SARKER: I assure the House that I will get it modified in the next session of the Assembly.

Mr. SURENDRA NATH BISWAS: I will be satisfied if Government will postpone the Bill.

Mr. SPEAKER: In any case you move it.

Mr. SURENDRA NATH BISWAS: I beg to move that sub-clause (2) (c) of clause 9 be deleted.

My point is this: by clause 7 the Legislature demands that Government must place the rules for exemption before the Legislature for their acceptance, and now by clause 9 (2) (c) Government is being given unrestricted power to frame rules for exemption. These two are inconsistent; so I submit that this power cannot be given to Government under clause 9 (2) (c). My proposal is to delete sub-clause (2) (c) from clause 9.

The Hon'ble Mr. NALINI RANJAN SARKER: I oppose this amendment although I agree that it is redundant. In view of the time factor I want to have the Bill passed. I do not want to go with it to the Upper House and that is why I oppose it.

Rai HARENDRA NATH CHAUDHURI: You want to pass it with a superfluous sub-clause?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, so far as I am concerned I do not care much for the language. This sub-clause can be deleted by the Speaker if he likes. In the next session of the Assembly this can be done.

The amendment of Mr. Surendra Nath Biswas that sub-clause (2) (c) of clause 9 be deleted was then put and lost.

Mr. SURENDRA NATH BISWAS: Sir, before you put the main motion, may I ask one question to the Hon'ble Finance Minister? May we expect that the Hon'ble the Finance Minister will frame the rules for exemption and put them up before the Legislature before collections of the capitation tax are enforced?

The motion that this Assembly agrees to the amendment made by the Council to the Bengal Finance Bill, 1939, was then put and agreed to.

Mr. SPEAKER: The message may be sent accordingly.

The Bengal Money-lenders Bill, 1939.

The Hon'ble Mr. H. S. SUHRAWARDY: I think what now remains is to move the consequential amendments.

Mr. SPEAKER: I will take all the amendments one after another. I will begin from clause 2 and finish all the amendments on definition one after another. Mr. Suhrawardy, have you got any other amendment on these definitions?

The Hon'ble Mr. H. S. SUHRAWARDY: I have, Sir. The definition of bank to be restored. That is my amendment Nos. 46-79.

Mr. SPEAKER: What about the definition of agriculturist?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not moving it, because the word "agriculturist" has not yet crowned up. If at any time it does, I hope you will give me permission to move it.

I beg to move that in clause 2, the following words and figures be inserted before sub-clause (*l*):—

"(*a2*) 'bank' means a banking company as defined in section 277F of the Indian Companies Act, 1913, whether incorporated in or outside British India."

The motion was then put and carried.

Dr. NALINAKSHA SANYAL: Sir, you have been following the new procedure that before any amendment is discussed or open to discussion you put it in the form of "the question before the House is, etc., etc.", and naturally there is no question of putting it to the vote at this stage.

Mr. SPEAKER: It is not necessary now. I have merely put that the question is that clause 2 as a whole do stand part of the Bill.

Dr. NALINAKSHA SANYAL: It was about the agriculturist I said——

Mr. SPEAKER: That is not moved at all.

Dr. NALINAKSHA SANYAL: We wanted to have a certain clarification as to why Government proposed to have this definition because so far as we find——

Mr. SPEAKER: I am sorry you are a little bit too late. The question is that the definition of "borrower" do stand part of the Bill. There is no other amendment on the term "borrower" so it is not necessary to put that.

Dr. NALINAKSHA SANYAL: May I have an elucidation on this if a borrower will not mean an assignee or legal heir of the person who is a borrower?

Mr. SPEAKER: There is no amendment on that. As regards clarification, the Hon'ble Minister will do it generally later on. I am anxious to go a little bit hurriedly to-day.

Dr. NALINAKSHA SANYAL: We are also equally anxious, Sir.

Mr. SPEAKER: Then as regards the definition of "Calcutta" Mr. Suhrawardy, have you got any amendment?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir.

Mr. BIRENDRA KISHORE RAY CHOUDHURY: Sir, I beg to move that clause 2 (2) be reinstated.

By the above clause the whole area contained within the boundaries described in Schedule 1, as in force at the commencement of this Act, to the Calcutta Municipal Act, 1923, and the Dum Dum, Garden Reach, Howrah, South Suburban and Tollygunge Municipalities as they existed at the commencement of this Act, is extended beyond the limits of Calcutta as under the ordinary original civil jurisdiction of the High Court in Calcutta. This extension of the area of Calcutta is necessary in view of the provision as regards the competent court under this Act which is the Court of Small Causes for entertaining proceedings under section 14, for money-lenders in Calcutta. In respect of Court's power to cancel a licence, it is laid down under section 15 that any money-lender in Calcutta aggrieved by the decision of the Court of Small Causes may appeal to the High Courts. Now, inasmuch as the banking and other commercial houses are situated not only within the area under the original jurisdiction of the Calcutta High Court but also in the adjoining areas as in the original clause 2 (2), it is necessary that such right of appeal to the High Court should be extended to them also.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I regret I cannot accept the amendment.

The motion of Mr. Birendra Kishore Ray Choudhury that clause 2 (2) be reinstated was then put and lost.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that clause 2 (3) be deleted.

The reason for that is that after the changes that have been made by the Select Committee in Chapters II and III, there is no need for the definition of the word "capital" which does not occur anywhere in the Bill. We overlooked this apparently in the Select Committee and we now propose rectifying it.

The motion was then put and agreed to.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that after clause 2 (3), the following sub-clauses be inserted, namely:—

(4) "Company" means a company as defined in the Indian Companies Act, 1913, or formed under the provisions of an Act of Parliament or of the Legislature of a British Dominion or Colony or by a Royal Charter or Letters Patent;

(5) "Co-operative Life Insurance Society", "Mutual Insurance Company" and "Provident Society" have the same meanings as in the Insurance Act, 1938;

(6) "Co-operative Society" means a society registered under the Co-operative Societies Act, 1912, or any Act of the Provincial Legislature, for the time being in force relating to such societies;

(6a) "Insurance Company" means—

(a) in relation to any loan advanced before the commencement of the Insurance Act, 1938, an Insurance Company within the meaning of the Indian Insurance Companies Act, 1928, and

(b) in relation to any loan advanced after the commencement of the Insurance Act, 1938, an Insurance Company within the meaning of that Act;

(6b) "Life Assurance Company" has the same meaning as in the Indian Life Assurance Companies Act, 1912.

The motion was then put and agreed to.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that after clause 2 (14), the following be inserted, namely:—

"(14a) 'provident fund' has the same meaning as in the Provident Funds Act, 1925".

The motion was then put and agreed to.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that after clause 2 (*14*), the following be inserted, namely:—

"(*14b*) 'provident society' has the same meaning as in Part III of the Insurance Act, 1938".

The motion was then put and agreed to.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that after clause 2 (*15*), the following be inserted, namely:—

"(*16*) 'provident insurance society' means a society registered under the Provident Insurance Societies Act, 1912".

The motion was put and agreed to.

Maulvi ABU HOSSAIN SARKAR: Sir, I beg to move that in clause 2 (7), in line 1, the words "of money or any commodity" be inserted after the word "sum".

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 2 (7), lines 1 and 2, the words "by whatever name called" be omitted.

Mr. SHAHEDALI: Sir, I beg to move that in clause 2, sub-clause (7), in line 2, after the word "excess" the words "whether in money or in kind" be inserted.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 2 (7), in line 3, after the words "to a lender" the words "in cash or in kind" be inserted.

Maulvi ABU HOSSAIN SARKAR: Sir, I beg to move that in clause 2 (7), in lines 6 to 8, the words "or any other law, for the time being in force for or on account of costs, charges or expenses" be omitted.

Sir, I move this amendment only to save the debtors. If costs and charges demanded under any other law are allowed, the debtors will not know what kind of law is prevailing in the country under which costs and charges are to be added. Without his knowledge the creditor may insert some provision of some other law and thereby charge from him costs and charges which he may not understand or which he may not be liable to pay.

The Hon'ble Mr. H. S. SUHRAWARDY: I regret, Sir, that I have to oppose all these amendments. The first proposal is that after the word "sum" we should have money, or any commodity, or cash or by whatsoever name it may be called. That is an attempt to improve on

the definition of the Select Committee, and it is not necessary, because the word "sum", as defined by the Select Committee, includes cash or kind, and there is no reason for this amendment.

Now, as regards the last amendment of Mr. Abu Hossain Sarkar, obviously it would work as a great hardship on persons who have to charge something by way of costs. Everybody knows that the lender has to pay something under provisions of certain Acts; not merely have they got to pay it under ordinary commercial transactions, but they have to pay something under the provisions of some Acts. And this clause has been left there by the Select Committee, that such payments, which the lender has got to make, should not be considered as interest. It is obvious, Sir, that this should stay in the definition of the word "interest".

The motion of Mr. Md. Abul Fazl that in clause 2 (7), lines 1 and 2, the words "by whatever name called" be omitted, was then put and lost.

The motion of Maulvi Abu Hossain Sarkar that in clause 2 (7), in lines 6 to 8, the words "or any other law for the time being in force for or on account of costs, charges or expenses" be omitted, was then put and lost.

The motion of Maulvi Abu Hossain Sarkar that in clause 2 (7), in line 1, the words "of money or any commodity" be inserted after the word "sum", was then put and lost.

The motion of Mr. Shahedali that in clause 2, sub-clause (7), in line 2, after the word "excess" the words "whether in money or in kind" be inserted, was then put and lost.

The motion of Mr. Md. Abul Fazl that in clause 2 (7), in line 3, after the words "to a lender", the words "in cash or in kind" be inserted, was then put and lost.

Mr. SHAHEDALI: Sir, I beg to move that in clause 2, sub-clause (8), in line 2, after the word "money-lender", the words "even a scheduled bank and a co-operative society" be added.

Sir, I do not say that this is within the purview of the Money-lenders' Act. What I say is that it should be included unlike scheduled banks and co-operative banks. With that end in view I move this amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: I oppose this amendment. The speech of the honourable member proves to the House that his amendment is out of order.

The motion of Mr. Shahedali that in clause 2, sub-clause (8), in line 2, after the word "money-lender" the words "even a scheduled bank and a co-operative society" be added, was then put and lost.

Mr. BIRENDRA KISHORE RAY CHOUDHURY: Mr. Speaker, Sir, I beg to move, by way of amendment, that for clause 2 (8), substitute the following, namely:—

(8) "Money-lender" means a person who advances a loan.

Sir, what we are really concerned with is the money-lender and the definitions given to money-lender and money-lending business make the definition of a lender unnecessary. This definition of a lender, further, makes no distinction between lending out money generally and advancing money for money-lending business.

Maharaja SASHI KANTA ACHARYYA CHOUDHURY, of Muktagacha, Mymensingh: Sir, I beg to move that in clause 2, sub-clause (11), the following words be added after the figure "1872":—

"but shall not include any person *bona fide* carrying on the business of banking or insurance or *bona fide* carrying on any business not having for its primary object the lending of money, in the course of which and for the purpose whereof he lends money."

Mr. SURENDRA NATH BISWAS: Sir, I want to move a short-notice amendment about widows.

Mr. SPEAKER: The widow can be left out for the present. (Laughter.)

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose both these amendments; one enlarges the meaning of the word "money-lender" and the other restricts it too much. In the case of the first amendment, Sir, if this definition was accepted, it would mean that anybody whether he was habitually carrying on the business of money-lending or not or was simply advancing money to a friend would have to come under the purview of this Act, and would have to get himself registered and keep books of accounts and come under the various restrictive provisions.

I do not think, Sir, that the honourable mover wishes that even persons who may, by way of friendly accommodation, advance money to their friends once in a while should come within this definition. (Rai MAHENDRA NATH CHAUDHURI: Why not?) Dr. NALINAKSHA SANYAL: But if he charges interest?)

As regards the proposal, Sir, of Maharaja Sashi Kanta Acharyya Choudhury, I do not think that it was necessary now to move this amendment, because any person *bona fide* carrying on the business of

banking or insurance or *bona fide* carrying on any business not having for its primary object the lending of money and so on, ought also to be included in the category of persons who call themselves bankers or individual bankers. I think, Sir, this amendment, if accepted, would lead to fraud.

The motion of Mr. Birendra Kishore Ray Choudhury that for clause 2 (8), the following, namely:—

(8) "Money-lender" means a person who advances a loan

be substituted, was then put and lost.

The motion of Maharaja Sashi Kanta Acharyya Choudhury that in clause 2, sub-clause (11), the following words be added after the figure "1872":—

"but shall not include any person *bona fide* carrying on the business of banking or insurance or *bona fide* carrying on any business not having for its primary object the lending of money, in the course of which and for the purposes whereof he lends money".

was then put and lost.

Mr. SPEAKER: That disposes of all the amendments relating to "money-lender".

The next item is "money-lending business". We now come to the definition of "principal". Mr. Shahedali has got an amendment relating to this. It is numbered 33. Mr. Shahedali, will you please move it?

Mr. SHAHEDALI: Mr. Speaker, Sir, I beg to move that in clause 2, sub-clause (14), in line 2, after the word "borrower" the words "at the first instance or initially" be added.

Sir, one creditor may borrow money several times. I submit that the principal means borrowing for the first time or initially. Many people may interpret "principal" in different ways. My amendment should be accepted in order to put a limit to such interpretations.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose the amendment.

The motion of Mr. Shahedali that in clause 2, sub-clause (14), in line 2, after the word "borrower", the words "at the first instance or initially" be added, was then put and lost.

Mr. SPEAKER: Then we come to the definition of "court". Mr. Rasik Lal Biswas, will you please move your amendment No. 379?

Mr. RASIK LAL BISWAS: Sir, I do not wish to move my amendment.

Mr. SPEAKER: Then we come to the definition of "notified banks". Mr. Suhrawardy, you have put in an amendment relating to the definition of "notified banks"?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir. It is new amendment No. 14, under new clause 2A.

Mr. SPEAKER: But that has already been disposed of

Next we come to the "scheduled banks" which is dealt with in new amendment No. 15 which was on a previous occasion moved by Mr. Suhrawardy.

The motion of the Hon'ble Mr. H. S. Suhrawardy that after clause 2 (*17*), the following be inserted, namely:—

"(*17a*) 'scheduled bank' has the same meaning as in the Reserve Bank of India Act, 1934", was then put and agreed to.

Dr. NALINAKSHA SANYAL: Sir, let us have a respite now?

Mr. SPEAKER: I should think so. We have done enough work.

(At this stage the House was adjourned for twenty minutes.)

(*After adjournment.*)

Mr. SPEAKER: There are now two definition clauses: one about sub-clause 19—"suit to which this Act applies". There are certain amendments on this. No. 338 has already been moved.

Mr. JATINDRA NATH BASU: I beg to move that in clause 2, sub-clause (*19*), the words "before or", wherever they occur, be deleted

I do not think that I need place any argument in support of this amendment. Sir, in ordinary business transactions, people enter into them on the basis of the law as it exists, and if it is intended afterwards to change the law, so that the effect of it will be not only that transactions entered into after the enactment of the law but also transactions entered into under the law that existed before the amendment should also be affected, then it is unjust and improper. Sir, up to the present, so far as I have been able to ascertain——

Mr. DHIRENDRA NATH DATTA: On a point of order, Sir. This amendment cannot be moved in view of the amendment that has been passed that a suit to which this applies means a suit or proceeding instituted or filed on or after the 1st of January, 1939, or pending on that date. That has been passed and so this amendment is out of order.

Mr. JATINDRA NATH BASU: That has nothing to do with my amendment.

Mr. SPEAKER: Let Mr. Basu finish his speech and I will consider the point later on.

Mr. JATINDRA NATH BASU: Sir, it has been the usual practice for Legislatures not to allow any particular legislative measure to have retrospective effect. One of the examples that I will quote to you is the amendment of the Transfer of Property Act. Under the Transfer of Property Act, as enacted in 1882, a mortgagee holding a certain kind of mortgage, say, an English mortgage, had a right to ask for relief by way of foreclosure or sale of the mortgaged property. Under the Limitation Act, if a man asked for alternative reliefs like that, he had 60 years' time to institute a suit after the cause of action arose. The amending Act of 1929 limited the powers of the court as regards the granting of relief, that is to say, it provided that in the case of every an English mortgage, the relief was to be by sale of the mortgaged property and not by foreclosure. The result was that the period of limitation was reduced from 60 years to 12 years only. But the Central Legislature took good care not to make that change retrospective. They knew that an immense amount of hardship would be caused if this legislative measure were made retrospective. I can well imagine that the Government and the honourable members of this House are keen, like all of us here, to see the burden of debt of the people of this province lightened. But they should also understand that there are certain principles which should not be violated ordinarily. There will be hardship. But they should also consider, for instance, the case of a man who has lent money and then, he has allowed the debtor time repeatedly at the debtor's urgent request: he is thus kept back by the debtor from taking any steps in a court of law for the recovery of his debt. The debtor obtains an endorsement of the amounts paid from time to time and keeps the debt from being barred by limitation. If a man has been indulgent like that and the transaction has gone on for a certain number of years, he comes within the purview of this provision.

There is another hardship. Everybody probably knows that debtors obtain money from money-lenders and in most cases these money-lenders themselves are debtors to some body else. They obtain money, say, at 7 or 8 per cent. and then lend the same at 12 or 15 per cent. and thus make some profit. A money-lender who has his own capital, say,

to the extent of Rs. 5,000 ordinarily lends Rs. 12,000 to Rs. 15,000. How does he do so? He does that with borrowed capital. He has to suffer, because he has borrowed money and has gone on paying his own liability. In this way you will be introducing in this country a kind of mentality which did not exist; I myself know that so far as Hindus and Muhammadans of this country are concerned, they do not want to die having a debt outstanding, they do not want any paternal debt to be left unpaid. In my experience I know of a case in which a claim was made against a person 55 years after the debt was said to have been contracted and by a person who claimed to be a descendant of the creditor. The descendant of the debtor made an enquiry whether the person who claimed was really the descendant of the alleged creditor and finding that the person was the descendant he immediately paid it off as he could not let his paternal debt to continue. That is the Hindu and Muhammadan mentality in this country. We are trying to change that kind of mentality, that is to say, we are going to brush aside the spirit of reliance on each other's words in matters of monetary transactions and to introduce an element with the help of law by which not only the transactions that will take place in future but the transactions that have already taken place will be governed."

Mr. SPEAKER: I am sorry to interrupt you, but I have been considering the point which Mr. Datta has raised and I want a little elucidation on that point. We have already accepted an amendment of Mr. Suhrawardy by which the Act would be applicable to a suit which was pending or instituted or filed after, say, January, 1939. Your amendment means that it would be only applicable to a loan which is incurred after the Act is enforced in Bengal. The Act cannot be applicable let us say before November, 1939, but we have already said that a suit could be instituted in February, 1939. How can a suit be instituted in February in anticipation of a loan which will be incurred after November according to your amendment? In that view it becomes inconsistent.

Rai HARENDRA NATH CHAUDHURI: You mean, Sir, that this amendment is concluded by our previous amendment.

Mr. DHIRENDRA NATH DATTA: For the recovery of loans advanced before——

Mr. SPEAKER: Your purpose is that the Act will be applicable to a loan which is incurred, say, after November, 1939.

Mr. JATINDRA NATH BASU: I want that we should not help in depreciating all our national character. Let what comes be for tomorrow and not relate to what was done in the past.

Mr. SPEAKER: Don't you think that it will become inconsistent?

Mr. JATINDRA NATH BASU: So far as suits are concerned, there is that amendment of the Hon'ble Mr. Suhrawardy, but this is—

Mr. SPEAKER: I quite understand your point. I hope I have been quite clear. Let us take it that the Act will be applicable to Bengal on the 1st of December, 1939. Your purpose is that, this Act will be applicable to a suit which is in respect of a loan incurred after the 1st November, 1939. That is the purport of your amendment. Mr. Suhrawardy's amendment gives scope to a suit which is instituted, say, in February, 1939. If your purpose is that, it will be applicable only to a loan incurred after November, a suit could not be instituted in February in anticipation of a loan. Therefore, it seems that your amendment has been concluded by the amendment of Mr. Suhrawardy which has been carried. If you have got to say anything to the contrary, I should be glad to hear it.

Mr. JATINDRA NATH BASU: There is no doubt the difficulty to which you have referred. But section 2, sub-clauses (*19*) (*a*), (*b*) and (*c*) refer to suits or proceedings for the recovery of a loan advanced before or after the commencement of this Act, for the enforcement of any agreement entered into before or after the commencement of this Act. The interpretation to which you refer means that if the words "before or" are deleted, then this Act will have no reference to suits for the recovery of a loan or for enforcement of an agreement or redemption of any security which was effected before the commencement of this Act. I quite feel that there is this difficulty.

Mr. SPEAKER: I am afraid, your motion is out of order.

That disposes of all the amendments to this clause. I am now going to the widow portion of Mr. Biswas.

Mr. SURENDRA NATH BISWAS: I beg to move that after clause 2(*11*), the following proviso be inserted, namely:—

> "Provided that a widow or a fatherless minor whose total advances in loans do not exceed the sum of rupees five hundred is not a money-lender."

The implication of my amendment, if accepted, will be that a widow or a fatherless minor whose total advance in loan does not exceed Rs. 500 will not be required to keep account books such as cash book and ledger books as prescribed in Chapters IV and V.

The Hon'ble Mr. H. S. SUHRAWARDY: And may charge any interest.

Mr. SURENDRA NATH BISWAS: With regard to interest, this class of money-lenders will be controlled by Chapter VI and other

chapters. That means that they will not be entitled to charge interests at rates more than what may be prescribed by this law. With regard to the question of interest, they will be subject to the law that will be passed. Only with regard to the keeping of account books and other formalities that are required of money-lenders to comply with under Chapters III, IV and V, those will not be required by this class of money-lenders to be followed. A widow or a fatherless minor will also not be required to take out a licence or to have her or his name registered. These are the only things which I want to exclude with regard to widows and fatherless minors. With regard to other things, they will be guided by this law. Now, Sir, my reasons for excluding this class of money-lenders are very simple.

You will find in the countryside there are many widows or fatherless minors whose total advances do not exceed the sum of Rs. 500. They advance money in small sums like Rs. 15, Rs. 20, Rs 25 and the like. And if by law they are required to keep cash book and ledger books, they will have to engage a clerk. That will cause very great hardship to them and for them to pay a licence fee of Rs. 15 at one time also will be a great hardship. If they are excluded from the operation of Chapters III, IV and V, I do not think any harm will be done to the borrowers in respect of loans from these widows or fatherless minors, because as my experience goes, there has never been to my knowledge any dispute with regard to the transactions between a widow and the borrowers, in any locality. This class of people who have no other means of livelihood than this business of lending money in small sums always keep good relationship with their borrowers. They keep all their accounts orally and at times they call some literate people to enter the payment of interest or principal on the back of the bonds. That is the only form of accounts they keep. I do not think any member in this House whether in front or to my left will be able to cite one example to show that the borrowers have been oppressed by this class of money-lenders, i.e., widows or fatherless minors whose total advances exceed Rs. 500. But on the other hand I believe and I can say without fear of contradiction that this class of people have been very much helpful to the local agriculturists and poor men. People do not go for big loans to this class of money-lenders. Only for small loans of Rs. 15, Rs. 20 and Rs 25 and the like the agriculturists and other poor men approach this class of money-lenders. So, as nothing can be apprehended from this class of money-lenders to the detriment of the interests of borrowers, I hope that the members of this House will consider the hardship that will be put on them by this proposed law and exonerate this class of money-lenders from the hardships proposed to be imposed under Chapters II, III and V. Sir, before I conclude I would again draw the attention of the members opposite to seriously consider this matter. When they find that the clause regarding the rate of interest

and the clause regarding reopening of transactions and other clauses which are really meant to give relief to the borrowers are not to be excluded from operation in the case of these widows and fatherless minors, there can be no harm to exclude this class of people from complying with the formalities that are required by law. With these words, I commend my amendment to the acceptance of the House.

Mr. MONMOHAN DAS: In support of the amendment of my friend Mr. Surendra Nath Biswas, I submit the object of this amendment is really to give relief to the helpless widows and fatherless minors. The object of every legislation is to give relief to poor people. And so far as this Money-lenders Bill is concerned, this Bill has been introduced to save the poor and the distressed. In this connection I submit that this amendment has been brought forward simply to remove the distress of the helpless widows and fatherless minors. Sir, I realize that we should be very cautious and we should be very jealous regarding the interests of the poor debtors, but we cannot overlook or ignore the causes which bring trouble to others. From my experience of Bengal I can say that there is a class of people who have no landed property. They simply live from hand to mouth out of a small income which they earn by hard labour. People of this type often stint themselves for the safety and future protection of their wives and children after their death. They pinch themselves to save something out of the modest income they earn. In Bengal we find many Hindu widows who have no means of livelihood save and except the small savings or cash savings that are left to them by their deceased husbands. I would tell the House one fact which will satisfy the members that at the time of the last looting at Kishoreganj in the district of Mymensingh I had occasion to visit the looted area where I found many *mahajans* or money-lenders of the woman class, such as widows regarding whom I had not the least idea that they might be money-lenders or mahajans. I hope it will be quite clear from the record of the Munsif's court that innumerable Hindu widows are money-lenders who advance money from Rs. 50 to Rs. 500. I submit that if these helpless minors and widows come within the purview of this Bill their position will become so much precarious that they will starve practically, because they have no landed property save and except some cash left to them by the deceased. Sir, the amendment of my friend is really reasonable and I hope it will be accepted by the Government without any opposition.

Mr. I. D. JALAN: I beg to support the amendment moved by my friend Mr. Surendra Nath Biswas. In supporting it I wish to say that this is one of the important things which we have got to consider in this connection. While we are anxious to give relief to the debtors there is no reason why we should grudge this small concession to the

widows and the fatherless children. They cannot keep a *gomastha* in order to maintain cash book and ledgers in a regular form. It will be a very hard thing for a widow who has got a capital of Rs. 500 only to have all these paraphernalia of a business-house carrying on regular money-lending business. I understand that so far as the amendment of Mr. Biswas is concerned, it is only to give relief to the widows and fatherless children from those regulations only which concern the account books, licence, etc. I hope Government would accept this amendment, because it limits the total advance to Rs. 500 and will relieve the widows and the fatherless minors from some of the provisions of the Act. If the amendment is accepted, it will not be necessary for them to take out a licence. Sir, I think that it is quite a reasonable proposal and I hope the amendment will be accepted by the House.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I hope Mr. Surendra Nath Biswas will permit me to consider this matter and not take a decision to-day; because as it present advised, I find so many loop-holes that if we have to accept this definition I would like to consider all aspects of the question. I feel a great deal of sympathy with the motion but at the same time I would like to consider it in all its aspects.

Mr. SPEAKER: In that case I think that disposes of all the amendments except commercial transactions and widows.

I would suggest to Government to consider whether it would not be convenient to proceed on Monday with Chapters 2, 3 and 4. And I think there are certain very important points arising out of Chapter 6. I hope, on Monday, all the parties will come ready, so that there may not be any further delay not only with regard to commercial transactions but also with regard to the provisions in the other chapters. In case no agreement is reached as regards commercial transactions by Monday, I think it would be better to take up Chapters 2, 3, 4 and 5 on Monday.

Mr. JATINDRA NATH BASU: I think, if there are any amendments to clause 2 left over, will the members have the liberty to move them at the next sitting?

Mr. SPEAKER: That will be taken up along with commercial transactions.

Adjournment.

The House was then adjourned till 4-45 p.m. on Monday, the 29th May, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 29th May, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 236 members.

STARRED QUESTIONS

(to which oral answers were given)

Educationally backward Kapali community, Tippera.

*476. **Mr. HARENDRA KUMAR SUR:** (a) Is the Hon'ble Minister in charge of the Education Department aware that the Kapali community in the district of Tippera is backward in education?

(b) Will the Hon'ble Minister be pleased to state the number of the people of that community existing at present in that district?

(c) If the answer to (a) is in the affirmative, are the Government considering the desirability of making special provision for the education of the people of Hindu community of the educationally backward castes other than Scheduled Castes?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (a) The Kapali Community is not included in the list of the educationally backward communities.

(b) 14,220 according to the Census Report of 1931.

(c) Government have made special provision for the education of the educationally backward communities other than Scheduled Castes.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to give us the names of the communities included in the list of the educationally backward communities?

Mr. SPEAKER: What is your question?

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to give us the names of the communities, other than the Scheduled Castes, included in the list of the educationally backward communities?

Mr. SPEAKER: That question does not arise.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that though the Kapali community is not included in the list of the educationally backward communities, they are more backward educationally than even the Scheduled Castes?

Mr. SPEAKER: How does that question arise?

Mr. DHIRENDRA NATH DATTA: The question is this, Sir: Is the Hon'ble Minister aware that the Kapali community is very backward educationally in the district of Tippera——

Mr. SPEAKER: You can't ask whether a community is backward or not in a particular district, because it is very difficult to answer such a question. You can ask generally whether the Kapali community is educationally backward or not.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that the Kapali community is really educationally backward?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, they are educationally backward.

Mr. ANUKUL CHANDRA DAS: Is it not a fact that the Kapali community itself said that it was not educationally backward at the time when the notification was published by Government?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is so.

Leasing out of Bidyadhari spill area in the 24-Parganas.

*477. **Mr. PATIRAM ROY:** (a) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state with whom and at what rate of rent the spill areas of the Bidyadhari in the 24-Parganas have been leased out?

(b) Is the Hon'ble Minister aware—

(i) that the lessees had constructed *bunds* and prevented the water of the river to spill in that area; and

(ii) that a portion of the spill area has been leased out to the Bidyadhari Co-operative Society by private arrangement?

(c) If the answer to (b) (ii) is in the affirmative, will the Hon'ble Minister be pleased to state at what rate of rent it has been leased out?

(d) Was there an offer of Rs. 6,000 per annum for only a portion of that area?

(e) If so, why were not those lands leased out at a public auction?

(f) Are the Government considering the desirability of leasing out in future all lands of the department by public auction and not by private arrangement?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) A statement is laid on the table.

(*b*) (*i*) I am informed that no lessees other than the Matsyajibi Samabaya Samiti have constructed *bunds*. The Bidyadhari has not spilled over the acquired spill areas for a long time.

(*ii*) Yes.

(*c*) Rs. 12,250 per annum.

(*d*) I have been unable to trace any such offer.

(*e*) Government considered it desirable to lease the fishery to a society of *bona fide* working fishermen and not to middlemen.

(*f*) That is the normal procedure.

Statement referred to in the reply to clause (a) of starred question No. 477, showing land, measuring about 5,000 bighas, was acquired by Government for the Bidyadhari Spill operation. The total area leased out to different parties is detailed below.

Name of party.	Area leased out.	Term of lease.	Rent.
	Bighas.		Per annum. Rs.
(1) Bidyadhari Spill Matsyajibi Samabya Samiti, Ltd.	4,677	3 years from 1st April, 1939, to 31st March, 1942.	12,250
(2) Babu Jatindra Nath Dutt	200	5 years from 1st April, 1938, to 31st March, 1943.	1,600
(3) Babu Ram Hari Bhar ..	2	1 year—1939-40 ..	400
(4) Babu Subodh Chandra Guria.	19	1 year—1939-40 ..	135
(5) Rana Sarikhan Singh ..	32	1 year—1939-40 ..	455
(6) Hiroo Budak ..	10	3 years from 1st April, 1937, to 31st March, 1940.	30
	4,940		

Sixty bighas have been under the occupation of about 200 tenants for homestead purposes since the acquisition of the land by Government, on payment of annual rents varying from 2 as. 8 pies to Rs. 33 in each case.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the Bidyadhari has deteriorated further as a result of the operation of the Matsyajibi Samabaya Samiti, who have constructed *bunds*?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir. As I have stated in my reply, the Bidyadhari has stopped spilling over the area leased out.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that fish can only be caught at a place where there is water, and if there is no water there can be no fish?

Mr. SPEAKER: That can be taken for granted. (Laughter.) That question has no connection with the main question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the water in the Bidyadhari, which, as report goes, has stopped spilling, has been in a stagnant condition or there has been a flow of water due to tidal inflow of fresh water?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: A portion of the Bidyadhari has already been hoked up. There is tidal flow in certain parts, but it is getting worse year by year.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if in the portion leased out to the Matsyajibi Samabaya Samiti there is any area where tidal water still enters?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am not quite sure, but I don't think so.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় দয়া করে বলবেন কি, এই সমস্ত জমি ম্যাকেঞ্জিলাল কম্পানীর public auction এ বিক্রয় করবার public notice issue হয়েছিল কি না?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I do not think that there was any bid when the last settlement was made.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় দয়া করে এই কাগজ যা আমার হাতে রয়েছে নিয়ে পড়ে দেখবেন কি?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am afraid the honourable member is referring to a different lease and not the one that I am referring to.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় এখানে ব'লছেন *bona fide* working fisherman দের and not to the middle man দের এর মধ্যে যাঁরা সেই জন্যেই public auction এ বিক্রী করা হয় নাই। মন্ত্রীমহাশয় দয়া করে এই লিষ্ট খানা দেখে ব'লবেন কি কয় জন *bona fide* fisherman কে দেওয়া হয়েছে?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, when I said of settlement being made with *bona fide* fishermen, I referred only to the Matsyajibi Samabaya Samiti.

Mr. RASIK LAL BISWAS: মৎস্যজীবি সমবায় ছাড়াও আরও ৫টা party র নাম যে এখানে দেওয়া হোয়েছে সেই ৫টি party র মধ্যে *bona fide* fisherman কতটি আছে মন্ত্রীমহাশয় অনুগ্রহ ক'রে জানাবেন কি?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I want notice, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that there are members of the Matsyajibi Samabaya Samiti who are not, and who have never been, fishermen?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, it may be so, but the Matsyajibi Samabaya Samiti is a Samiti which is interested in fishing, I think.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if it is not the avowed policy of Government to lease out fisheries to *bona fide* working fishermen?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Certainly, Sir, that is the policy of Government.

High English schools in Pabna district.

*478. **Mr. ABDUR RASCHID MAHMOOD:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the district of Pabna—

(i) the total number of high English schools existing at present;

(ii) the number of them that get Government grant-in-aid;

(iii) the amount of grant-in-aid which each of them gets;

(iv) the number of Muslim students in each school; and

(v) the number of Muslim teachers in each school?

(b) Is the Hon'ble Minister aware that Muslim teachers are comparatively small in aided schools?

(c) If so, are the Government considering the desirability of increasing the number of Muslim teachers in aided schools?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) (i) 29 including one Government high school.

(ii) 18.

(iii) to (v) The particulars are given in the statement below.

(b) Yes.

(c) In accordance with the instructions contained in the Director of Public Instruction's circular of 1935 and 1937, the Inspecting Officers are to see that a Muslim teacher of Arabic and Persian is appointed in each aided high school where the number of Muslim boys is not less than ten and also to see that an adequate number of qualified Muslim teachers is appointed to vacancies in each aided high school having regard to the number of Muslim boys in the school.

Statement referred to in the reply to clauses (a)(iii), (iv) and (v) of starred question No. 478.

ABIA DISTRICT.

Name of school.	Amount of monthly grant-in-aid.	Total number of students on the rolls.	Number of Muslim studeirts on the rolls.	Number of teachers excluding the classical teachers on the staff.	Number of Muslim teachers excepting the Maulvis (classical teacners).
	Rs.				
Banwarinagar C. B. High English School ..	100	325	173	15	8
Chatmohar Raja C. N. and Babu S. N. High English School ...	100	151	45	10	1
Chowbari Islamia High English School ..	150	456	369	10	8

Name of school.	Amount of monthly grant-in-aid.	Total number of students on the rolls.	Number of Muslim students on the rolls.	Number of teachers excluding the classical teachers on the staff.	Number of Muslim teachers excepting the Maulvis (classical teachers).
	Rs.				
Dhobakhola Cor. High English School	125	169	65	9	2
Daulatpur High English School	125	158	93	9	1
Khalilpur High English School	125	157	67	9	2
Meghai E. U. High English School	125	245	220	10	7
Nakalia Sarasia M. Institution	100	138	47	9	1
Pabna G. C. Institution	150	327	105	18	2
Paksey High English School	125	291	114	12	2
Serajganj B. L. High English School	325	438	150	15	1
Shôhagpur S. K. High English School	125	191	49	10	1
Salap High English School	125	180	63	9	1
Sara Marwari High English School	125	287	110	11	1
Shahzadpur High English School	225	288	116	11	3
Sathari High English School	150	217	90	10	1
Ullapara Merchants' High English School	194	202	100	9	2
Porjana M. N. High English School	125	204	56	9	1

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state, with reference to the table, the extent of disproportion between the amount of grant-in-aid and the total number of students?

Mr. SPEAKER: That question does not arise. It is a matter of calculation.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether the Serajganj B. L. High English School

received a grant-in-aid of Rs. 325 a month with a total roll of 438 students against Rs. 125 for the Shohagpur S. K. High English School—

Mr. SPEAKER: I am afraid, Mr Sen, you have misunderstood the purpose of this question. The whole purpose of this question is to find out the number of Muslim teachers in the schools. If you have got any question regarding that, you may put it.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if there is any proportion laid down in the conditions of grants-in-aid for the employment of Muslim teachers *vis-a-vis* the number of students on the roll?

The Hon'ble Mr. A. K. FAZLUL HUQ: No definite proportion is laid down.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if he is aware that qualified Muslim teachers are not being appointed in some of the schools where there is a sufficient number of Muslim students?

Mr. SPEAKER: I am afraid, it is too general a question.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় দয়া করে বলবেন কি অনেক মুসলমান স্কুলে অধিকাংশ ছাত্র মুসলমান থাকা সত্ত্বেও শিক্ষকেরা উপযুক্তরূপে শিক্ষা দিতে পারে না বলেই মুসলমান শিক্ষক নিযুক্ত হয় না।

Mr. SPEAKER: That question does not arise.

Expenses for education of Scheduled Castes students in the Burdwan Division.

*479. **Babu RADHANATH DAS:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) what is the amount spent on education for Scheduled Castes students in the Burdwan Division, district by district separately, for the year 1938 and up to March, 1939;

(b) how many students have been awarded stipends; and

(c) how many such stipend-holders are—

(i) school students, and

(ii) college students?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) A statement showing the amounts spent, district by district, during 1938-39 is laid on the table. The proportionate cost of the general facilities in which Scheduled Castes students participate is not known.

(*b*) 19.

(*c*) (*i*) 5, and (*ii*) 14.

Statement referred to in the reply to clause (a) of starred question No. 479 showing the amounts spent, district by district, during 1938-39.

	Rs.
Hooghly	
Special stipend for college students	48
Special stipends for school students	36
Stipends for college students	168
Scholarship for boys	36
Total	288
Howrah	
Special stipend for college students	60
Stipend for college students	72
Scholarship for boys	36
Total	168
Burdwan.	
Special stipend for college students	72
Stipend for school boys	36
Total	108
Midnapore.	
Special stipend for college students	96
Stipend for school students	84
Stipend for college students	7
Grant for Santhal Education Board	10,367
Grant for Birbhum and Sarenga Santhal schools	6,300
Scholarships	24
Total	16,943

	Rs.
Birbhum.	
Scholarships ..	36
Bankura.	
Special stipend for college students ..	456
Stipend for school students ..	36
Grant for Santhal Education Board ..	6,156
Scholarship for boys ..	72
Total ..	6,720
Grand Total ..	24,263

Relief work in Chargazi-Charlakshmi area.

*480. **Mr. SYED AHMED KHAN:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether relief work has been undertaken in the Chargazi-Charlakshmi area for failure of crops?

(*b*) If so, will the Hon'ble Minister be pleased to state whether he has received any complaint stating that the poor and needy people are not being benefited by the work?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state whether he is contemplating an inquiry into the matter?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) In Chargazi a sum of Rs. 1,014 was distributed as agricultural loans, and further relief was granted by the remission of a sum of Rs. 2,491 of rent. No other relief is considered necessary.

As regards Charlakshmi, no complaint or application for loan has been received.

(*b*) No.

(*c*) Does not arise.

Babu NAGENDRA NATH SEN: With reference to Charlakshmi, will the Hon'ble Minister be pleased to state whether no complaint has been received by Government or by the district authorities?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: By the district authorities.

Babu NAGENDRA NATH SEN: Sir, with your permission, may I make a request to the Hon'ble Minister? Now that the sittings of the Legislative Assembly are going to be finished, will he kindly, in the interests of the public, issue weekly bulletins as regards the position in each district, from his department, with regard to the distress?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government will publish in the press from time to time statements about the position.

Relief measures in West Jamalpur, Mymensingh.

*481. **Mr. GIASUDDIN AHMED:** (a) Is the Hon'ble Minister in charge of the Revenue Department aware—

(i) that the people of West Jamalpur, specially the inhabitants of thanas Madarganj, Melandah, Sarisabari, Islampur and Dewanganj in the district of Mymensingh, are undergoing economic distress;

(ii) that those thanas were overflooded last year; and

(iii) that jute and paddy were completely destroyed?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state the amount, if any, granted as agricultural loan to the cultivators of those areas?

(c) Is the Hon'ble Minister aware—

(i) that there is still a demand for loans and gratuitous relief; and

(ii) that petitions are being filed to the authorities praying for the grant of further loans and gratuitous relief?

(d) If the answer to (c) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, are the Government proposing to take to meet the demand?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) (i) and (ii) Yes.

(iii) Not completely. It is reported that 75 per cent. of jute and 62·5 per cent. of paddy have been destroyed.

(b) A sum of Rs. 59,218 has already been distributed as agricultural loans and a further sum of Rs. 12,000 is being distributed.

(c) Yes.

(*d*) Sums of Rs. 12,000 and Rs. 900 are being distributed as agricultural loan and gratuitous relief respectively. Further amounts will be sanctioned if necessary. Test relief works have been started in Dewanganj thana and the situation is under careful observation of the local officers.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় ৫৯,২১৮ টাকার কথা বলেছেন—(*b*) প্রশ্নের উত্তরে এই ৫৯,২১৮ টাকা সমগ্র জামালপুর মহকুমার জন্য না ঐ ৫টা থানার জন্য?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: For the whole of the Jamalpur subdivision.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয়ের উত্তর থেকে যে রকম অবস্থা দেখা যাচ্ছে, তাতে শতকরা ৭৫ ভাগ শস্য নষ্ট হোয়ে গ্যাছে তাতে কি মন্ত্রীমহাশয় মনে করেন সমস্ত মহকুমার জন্য ৫৯,২১৮ টাকা দিলে ঐ ৫টা থানার বিশেষ কোন উপকার হবে?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I would refer my honourable friend to answer (*d*) where it has been said that Government are watching the situation, and, if necessary, more sums will be sanctioned.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় কি অবগত আছেন যে এই কয়টী থানা এবং পশ্চিম ময়মনসিংহের আরও অনেক জায়গায় লোকজন নিশ্চিন্তমনে যাতায়াত করতে পারে না, লুট তরাজের কোন খবর কি মন্ত্রীমহাশয় অবগত আছেন?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There has been actually no *loot* as yet, but it is apprehended that the situation is getting grave in Tangail and some other places. Government have already taken sufficient measures, the attention of the local officers has been drawn to the fact and more money has been sent to the local officers for prompt distribution. In fact, up till now within one month and a few days from 1st April, 1939, to 24th May, 1939, Government have distributed agricultural loan to the extent of Rs. 2,03,000 in the district of Mymensingh and Rs. 30,000 for test relief work.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রীমহাশয় কি অনুগ্রহ করে বলবেন যে এই যে খবরটা তিনি পেয়েছেন, S. D. O. র কোন report কি তার উপরে আছে? অর্থাৎ তাঁরা জানার সূত্রটা আমি জানতে চাই।

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government cannot disclose the source of information; but it is a fact that there has been such a rumour which of course is not yet substantiated. Government have taken sufficient precautions that such an incident may not happen.

Stipendiary and non-stipendiary Gurus in Munshiganj Guru Training School.

*482. **Maulvi MD. ABDUL HAKIM VIKRAMPURI:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing, year by year, during the period from 1935 to 1939, for the Munshiganj Guru Training School—

(i) the total number of stipendiary and non-stipendiary *Guruas* admitted,

(ii) the number of seats available for admission of the *Guruas*, and

(iii) the number of candidates who sought admission from—

(1) Muslims,

(2) Caste Hindus, and

(3) Scheduled Castes?

(b) If the number of Muslims admitted into the school in 1939 is less than that of the previous years, will the Hon'ble Minister be pleased to state whether he is considering the desirability of fixing a percentage for each community for admission into the Guru Training Schools of Bengal?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a)—

		Stipendiary.	Non stipendiary.
(i)	1935	40	..
	1936	40	2
	1937	40	2
	1938	40	3
	1939	40	4
(ii)	1935	40	..
	1936	40	..
	1937	40	..
	1938	40	..
	1939	40	..

		1935.	1936.	1937.	1938.	1939.
(iii)	(1) Muslims	91	103	93	97	130
	(2) Caste Hindus	32	28	15	24	47
	(3) Scheduled Castes (included in Caste Hindus. Figures for these four years not available).	..	..	..	..	5

* Sat for the admission test examination.

(b) The number of Moslems admitted into the Munshiganj Guru Training School in 1939 is 28 against 24, 23, 35 and 32 in 1935, 1936, 1937 and 1938 respectively.

More than 75 per cent. of stipendiary places available in the 3 Guru Training Schools under the control of the District Inspector of Schools, Dacca, are filled up by Moslems.

No reservation of places for any community except Scheduled Castes is considered necessary.

Internal affairs of the Hooghly Central Co-operative Bank, the Chatra Co-operative Society and the Chatra-Serampore Co-operative Credit Society.

*483. **Mr. HARENDRA NATH DOLUI:** (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(i) whether in terms of the General Circular No. 4 of 1923 quarterly financial statements during the period 1928-36 were submitted by—

(1) the Hooghly Central Co-operative Bank,

(2) the Chatra Co-operative Society, and

(3) the Chatra-Serampore Co-operative Credit Society;

(ii) whether these statements were checked by the Circle Inspector and by the Assistant Registrar in conformity with the General Circulars, No. 10 of 1916 and No. 1 of 1931, respectively;

(iii) whether the figures contained in the statements were verified from the relevant returns of the three institutions in terms of paragraphs 1 (a) and 4 of General Circular No. 9 of 1932;

(iv) whether the statements were published in the gazette under the authority and signature of the Registrar;

(v) whether the inter-lendings between the Societies and the Central Bank were approved by the Registrar;

(vi) whether the figures of inter-investing between the three institutions were checked by the departmental staff during the special enquiry of Mr. Porter in 1936;

(vii) whether it was then disclosed that Rs. 10,000 of the Chatra-Serampore Co-operative Society and Rs. 83,500 of the Chatra Society (being the aggregate deposits from 1st September, 1929, to 3rd March, 1936), had not been credited to the Bank;

(viii) whether it is a fact that investments of the Chatra Serampore Co-operative Society were scrutinised during 1928-30 by the Circle Inspector in connection with the then crisis of the society; and

(ix) whether frequent complaints regarding malpractices in the two Societies and the Bank were made to the department?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, does he propose to take in the matter?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (a) (i) The Hooghly Central Bank and the Chatra-Serampore Society have submitted quarterly finance statements during the years 1928 to 1936. The Chatra Co-operative Society has submitted them from 1930 onwards.

(ii) The statements of the Central Bank were checked by the Inspector in terms of circulars. Assistant Registrars are not required to check them. The finance statements of Urban Banks are not required to be checked by the Inspectors.

(iii) Circular No. 9 of 1932 does not deal with finance statements.

(iv) The statements of the Hooghly Central Bank were published in the gazette over the signature of the Registrar. The statements of Urban Banks are not published.

(v) The inter-lendings between the Societies and the Central Bank were made without the sanction of the Registrar.

(vi) and (vii) The special enquiry referred to was conducted to ascertain the financial position of Central Banks only and not of other Societies, and accordingly the investment of the Hooghly Central Bank in the Chatra-Serampore Society was examined and found in order. Investigation into mutual investments between other Societies did not come within the scope of the enquiry.

(viii) Yes.

(ix) Some complaints regarding the Chatra-Serampore Society were received in the beginning of 1937.

(b) The Registrar called a meeting of the members and depositors and placed before them a programme of reconstruction of the Society and a scheme for future working; but these proposals were not unanimously accepted, and some of the prominent members formulated another scheme which also proved to be unacceptable. In a matter of

this nature Government cannot dictate a line of action. If reconstruction ultimately proves impossible, then the only alternative will be liquidation, and this step will have to be taken if the Society fails to reconstitute itself upon sound lines.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, if Government had knowledge of maladministration of some of these societies from the year 1936?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the honourable member to my answer to question (*a*) (*ix*).

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what was the finding of the special enquiry carried on in the year 1936 by Mr. Porter?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I will again refer the honourable member to my answer to (*a*) (*vi*) and (*viii*).

Dr. NALINAKSHA SANYAL: I submit that in that answer no mention is made of the finding. I want the result of the enquiry. It is no use continuously reminding the Hon'ble Minister that it is his duty to answer the question fully.

Mr. SPEAKER: The question is whether the figures of inter-investment between the three institutions were checked by the departmental staff during the special enquiry of Mr. Porter in 1936 and he says, "Investigation into mutual investments between other societies did not come within the scope of the enquiry."

Dr. NALINAKSHA SANYAL: That is exactly why I put the previous question as to whether any complaints were received by Government with regard to the maladministration of these three societies and what Government had done. To that the Hon'ble Minister said, "I draw your attention to the answer."

Mr. SPEAKER: I think you are mistaken. Complaints according to Government were received in 1937 and Mr. Porter's enquiry was held in 1936, and that enquiry had nothing to do with the mutual investments between these societies.

Dr. NALINAKSHA SANYAL: I am not talking of mutual investments. I am talking of maladministration of these three societies and evidently that came to the notice of Government as early as 1936.

Mr. SPEAKER: You can specifically ask whether any case of maladministration came to the knowledge of the special enquiring officer.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister kindly answer the question as modified?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as 1936 is concerned, it is rather impossible for me to state at this stage, but so far as Mr. Porter's enquiry is concerned, I have stated all that I know.

Mr. NALINAKSHA SANYAL: Please speak out. Don't get your voice choked.

Will the Hon'ble Minister be pleased to state whether as a result of Mr. Porter's enquiry any case of maladministration was brought to the notice of Government?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Mr. Porter's enquiry related to the finding of the financial position of the Central Banks only and nothing more than that. Therefore I have given the answer as contained in (*vi*).

Dr. NALINAKSHA SANYAL: Again the answer is evasive. Will the Hon'ble Minister be pleased to state if it is a fact that Mr. Porter found that in 1936 Rs. 10,000 of the Chatra-Serampore Co-operative Society and Rs. 83,500 of the Chatra Society being the aggregate deposits of Rs. 93,500 have not been credited in the bank and he made that note in the report?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that Inspector Bhupendra Chandra Ghose—

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of it.

Dr. NALINAKSHA SANYAL: Please keep quiet. Will the Hon'ble Minister in charge be pleased to state if he is aware that Mr. Bhupendra Chandra Ghose noticed an interest payment of Rs. 403 and odd annas on the sum of Rs. 10,000 and he remarked that and signed the cash book, although he found that there was no sum of Rs. 10,000 as capital noted thereon?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am afraid I am not aware of this.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that Circular No. 9 of 1932 mentioned in answer (*m*) refers to audit and if it is a fact that audit relates to financial statement?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have said that this Circular No. 9 relates to audit statements and has got nothing to do with financial statements.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the audit has got anything to do with the financial statement?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Not necessarily.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he knows that audit is necessary in order to check the financial statement submitted from time to time?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not think I am under cross-examination.

Dr. NALINAKSHA SANYAL: Certainly you are. Mr. Speaker, I plead helplessness and I want your protection. The Hon'ble Minister has said that audit has nothing to do with financial statement. May I know whether there is any institution where the audit does not relate to financial statement?

Mr. SPEAKER: It is very difficult for me to say. If you want to know anything about my own finance I know it is terribly bad. (Laughter.)

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when the Registrar called a meeting of the members and depositors and placed before them the programme of reconstruction as referred to in answer (*b*)?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is after the complaints were received some time in 1937.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister kindly give us the date?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry I must ask for notice.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that several cases went up to the courts in connection with maladministration of these three societies?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: With regard to the Hooghly Central Bank there was certainly a case but with regard to others I have no knowledge.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the case referred to ended in conviction?

Mr. SPEAKER: That question does not arise. He has admitted that.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware of the time when the court case was disposed of and the court was finally pleased to pass judgment on that case?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not remember the date.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that his department has not done anything since that case in re-establishing the credit of these societies?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry I cannot follow the honourable member's question.

Mr. SPEAKER: You must first ask whether it is their duty to re-establish it.

Dr. NALINAKSHA SANYAL: I first ask for the date.

Mr. SPEAKER: Your first question ought to be whether it is their duty to re-establish the credit of these societies.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a part of the duty of the Co-operative Department of which he is in charge to see that Co-operative Societies that are in difficulty and whose credit has gone down are re-established in their old credit?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Not under the Government of India Act II of 1912.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to enlighten us further?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The statutory duty is to audit the societies. That is the duty they have got to do under the India Act II of 1912.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what are the duties of the Registrar and of his department when he comes to know that a society has not been functioning properly and that there are malpractices?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the honourable member to the provisions of the Act (II of 1912).

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the Registrar has got to make investigations into the complaints about maladministration and that he has got under the provisions of the Act to report on such maladministration and to try to make the position of the societies free from those malpractices as early as possible?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as the duties of the Registrar are concerned I would refer the honourable member again to the provisions of the Act itself.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that inter-lending between the societies needs or requires the sanction of the Registrar or of the Assistant Registrar in charge?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Not under the Act, but it was by a circular.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state that there inter-lending done by some of the societies——

Mr. SPEAKER: They do not admit that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what action was taken when it was discovered that inter-lending had taken place without the sanction of the proper authorities?

Mr. SPEAKER: You are assuming that it was discovered. Why don't you ask if it was discovered?

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what steps were taken when it was discovered that inter-lending took place without sanction of proper authorities?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, some of the Societies maintain that the provisions of the Act do not make it necessary for them to ask for sanction.

Cases before Rajshpore Debt Settlement Board in Rajshahi.

*484. **Mr. C. MORGAN:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) the number of cases instituted before the Rajshpore Debt Settlement Board in the district of Rajshahi during the year ending on the 14th April, 1939;

(*ii*) the number of cases decided during the above period; and

(*iii*) the number of cases still pending before the Board as on the 14th April, 1939?

(*b*) Is the Hon'ble Minister aware of the fact that the largest majority of cases are still pending?

(*c*) If so, will the Hon'ble Minister be pleased to explain the reasons for the delay for the disposal of the cases instituted before the Boards in question?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) (*i*) There is no Debt Settlement Board of this name in the district of Rajshahi.

(*ii*) and (*iii*), (*b*) and (*c*). Do not arise.

Construction of an embankment from Chargazi-Charlakshmi to Chhamir-Munshir Hat in Noakhali.

*485. **Mr. SYED AHMED KHAN:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the Government have received prayers for constructing an embankment extending over three miles from about Chargazi-Charlakshmi to the west of Chhamir-Munshir Hat in Noakhali?

(*b*) If so, are the Government considering the desirability of constructing an embankment as prayed for?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No.

(*b*) Does not arise.

Protection of the Dharla River Bank, Kurigram.

*485A. Mr. JATINDRA NATH CHAKRABARTY: (a) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(i) that a sum of Rs. 85,000 has been provided in the budget for 1939-40 for the protection of the bank of the river Dharla at Kurigram (district Rangpur);

(ii) that the Chief Engineer, Superintending Engineer, i.e., the Executive Engineer (Irrigation) visited the place several times;

(iii) that a scheme was drawn up before the money was provided in the budget;

(iv) that protective work was undertaken and work commenced since the last week of February last;

(v) that Rs. 48,000 have already been spent for the work done; but

(vi) that the further work has been stopped since the 1st April last?

(b) Is it not a fact that the further work for completion would have, in the opinion of the Engineering Experts of the Department, required that the work could have been completed at a cost—

(i) of Rs. 7,000 more, and

(ii) a fortnight's time?

(c) Is it not a fact that the shifting of and construction of a new subdivisional town will cost the Government about three lakhs of rupees?

(d) If the answer to (c) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for the stoppage of the protective work?

(e) Will the Hon'ble Minister be pleased to state—

(i) who will be responsible for the loss of the money already spent for the protective work;

(ii) the prices of materials still lying at the site;

(iii) the compensation for the loss of the people who have given their land and removed their houses without monetary compensation; and

(iv) the money paid by the local people?

(f) Are the Government considering the desirability of resuming the unfinished portion of the protective work before the rainy season?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (a)(i) Rs. 40,000 were allotted for the portion of the work which it was expected would be done last year, and Rs. 45,000 were provided in the current year's budget.

(ii) Yes.

(iii) Yes.

(iv) Yes.

(v) The accounts have not yet been made up. I understand that the liabilities contracted amount to about Rs. 35,000.

(vi) Yes.

(b) (i) and (ii) No.

(c) The question of constructing new subdivisional headquarters has not been considered.

(d) Does not arise.

(e) (i) and (ii) The cost of labour and material will be borne by the State. It is likely that the material not used before the stoppage of work will be used elsewhere.

(e) (iii) I am not aware that any such loss has been sustained.

(e) (iv) Rs. 500 deposited in the subtreasury, out of Rs. 2,000 promised will be refunded.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state the reasons for stopping this protective work?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, it was subsequently discovered that it would ultimately cost Government much more than what has been provided for in the budget.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether any expert opinion was taken on the subject before the work was actually stopped?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, expert opinion was taken before the work was taken in hand as well as when the work was stopped.

Maulvi ABU HOSSAIN SARKAR: That is not an answer to my question. What I wanted to know was whether any expert opinion was taken before stopping this work.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: have just said that it was done.

Mr. JATINDRA NATH CHAKRABARTY: Is it not a fact that the Chief Engineer, Superintending Engineer and Executive Engineer of the Irrigation Department do not know the reason for stoppage of this work? They were not even consulted.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: That is not a fact.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether it is a fact that some local M.L.A.'s and the District Magistrate of Rangpur approached the Government for stopping the work in question?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I have no knowledge about the activities of the local M.L.A.'s in this particular matter?

Khan Bahadur Maulvi HASHEM ALI KHAN: Will the Hon'ble Minister be pleased to state whether the present value of the Government property at Kurigram is less than the amount estimated for the protective work?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether it is a fact that the headquarters of the subdivision are going to be transferred to Lalmanirhat?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, Sir, nothing has been decided yet.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether it is a fact that one Sindhi rich contractor of Lalmanirhat is interested in shifting the headquarters station to Lalmanirhat?

Mr. SPEAKER: That question does not arise.

Mr. JATINDRA NATH CHAKRABARTY: Will the Hon'ble Minister be pleased to answer whether Mr. Shah Abdur Rauf of Rangpur was deputed by the Coalition Party——

Mr. SPEAKER: That question does not arise.

Mr. JATINDRA NATH CHAKRABARTY: Will the Hon'ble Minister be pleased to state if it is a fact that Mr. Shah Abdur Rauf was deputed by the Coalition Party to report whether the work in question should continue or not and that he reported to the Hon'ble Minister that the work should proceed?

Mr. SPEAKER: You cannot put the question in that way. The conduct of the Coalition Party has no place here. You may ask the latter part of your question.

Mr. JATINDRA NATH CHAKRABARTY: All right, Sir. Will the Hon'ble Minister be pleased to state whether Mr. Shah Abdur Rauf approached the Hon'ble Minister and reported that this protective work should be proceeded with and completed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I do not definitely remember the nature of the conversation I had with an honourable member (namely, Mr. Shah Abdur Rauf) of this House. But I remember to have discussions with several members of the Coalition Party during the Budget Session on this question.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state if the new headquarters station of the subdivision is going to be named Majidnagar, after the name of the District Magistrate?

Mr. SPEAKER: Order, order. That question does not arise.

Mr. MIRZA ABDUL HAFIZ: With reference to answer (*a*) (*i*), will the Hon'ble Minister be pleased to give us an idea as to what will be the amount required to complete the protective work?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: The amount that has been provided in the budget.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if, when the amount was provided in the budget, expert opinion was in favour of spending the money in the manner then recommended and accepted in the budget?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, in the case of a protective work, expert opinion can never be very definite.

Dr. NALINAKSHA SANYAL: In view of this reply, will the Hon'ble Minister be pleased to state what exactly was the nature of the expert opinion and what was the reason for Government undertaking this protective work at a cost of Rs. 85,000 if the expert opinion was not entirely in its favour?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: On administrative grounds.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether it is a fact that the said rich contractor of Lalmanirhat ——

Mr. SPEAKER: Order, order. Mr. Abu Hossain Sarkar, if you persist in putting a question which I have disallowed, I will have to rule you out of order altogether. This is the third time you put a question which I have disallowed. It is no use showing your personal feelings in the matter. You will be doing a much greater public service if you leave aside your personal feelings and take this issue which is much more important.

Maulvi ABU HOSSAIN SARKAR: It is quite a different question, Sir. No personal feelings are brought in.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government would be prepared to consider the question of contribution by private persons for finishing the unfinished work?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Government would have greatly appreciated public enthusiasm if a sum of more than Rs. 500 towards a scheme costing Rs. 85,000 had been contributed by the public.

Dr. NALINAKSHA SANYAL: I am afraid my Hon'ble friend has missed the question. I wanted to know from him if Government at this stage would be prepared to accept public contribution and permit completion of the work left unfinished.

Mr. SPEAKER: Your point is, in view of the abandonment of the scheme by Government, whether they will admit private people to finish the work?

Dr. NALINAKSHA SANYAL: Yes, Sir.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, out of a total estimate of Rs. 85,000 roughly about Rs. 34,000 had been spent, and if the public come forward with a contribution sufficient to complete the project, namely, Rs. 50,000, certainly Government would be glad to consider it.

Mr. SPEAKER: His point is not about the contribution of the public but about the finishing of the project in whatever manner it is done.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: There is no objection.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what administrative consideration is involved in not allowing the public to protect their own homestead out of their personal or public contribution and finish the unfinished portion of the work?

Mr. SPEAKER: He has already stated that the Government has not allowed it on administrative grounds.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state as to what purpose, administrative or otherwise, would be served if Government disallow private persons to complete the project which was approved by experts?

Mr. SPEAKER: It is not for me to interfere, but I understand that the matter is still being discussed. So I would ask you not to harm the issue with further questions.

Dr. NALINAKSHA SANYAL: In that case, may I ask as to whether Government is still considering the desirability of continuing this project and finishing the unfinished portion of the work?

Mr. SPEAKER: Nothing is final in this world.

Dr. NALINAKSHA SANYAL: It is a reply from you, Sir, but that will not satisfy me. I want an answer direct from the Hon'ble Minister.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It will be too late in the day to restart this project.

Dr. NALINAKSHA SANYAL: May I take it that Government is not prepared to consider the desirability of considering the project and of finishing the unfinished portion of the work?

Mr. SPEAKER: May I again ask you not to put these questions in the interest of the public.

Mr. SHAH ABDUR RAUF: What led the Government to begin protective work last year and what led it to stop the work so suddenly?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have already stated, owing to administrative reasons.

Award of Lytton Moslem Scholarship.

***485B. and 485C. Mr. ATUL CHANDRA KUMAR and Babu NARENDRA NARAYAN CHAKRABARTY:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(i) whether applications were invited from the members of the Muslim community domiciled in Bengal for the Lytton Scholarship for 1938 tenable for 3 years from October, 1939; and

(ii) whether it was announced that this time the scholarship will be awarded to a student of the Calcutta University, preferably to one who has studied for four consecutive years at the Islamia College, Calcutta University, and that the candidate must have passed the B.A. or B.Sc. Examination with honours or an equivalent examination?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) how many students from the Calcutta University with the required qualifications as stated in (a) applied for the scholarship;

(ii) how many candidates were allowed interviews for selection; and

(iii) how many of them had studied for consecutive years at the Islamia College, Calcutta?

(c) Will the Hon'ble Minister be pleased to state—

(i) whether any candidate, who was not a student of the Calcutta University was granted an interview in this connection; and

(ii) whether in awarding the scholarship the Government are considering the desirability of sticking to their announcement as notified?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) (i) Yes.

(ii) Yes.

(b) (i) 7 (Seven).

(ii) 4 (Four).

(iii) 3 (Three).

(c) (i) Yes.

(ii) It was stated in the notification that, if a suitable candidate from the Calcutta University was not available, the scholarship might be awarded to any other qualified Muslim candidate domiciled in Bengal.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the name of the Muslim candidate who has been selected for the award of this scholarship and the University he belonged to?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have not got the name before me.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the scholar selected does not belong to either the Calcutta or the Dacca University and is a person who comes from another province?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is not a question, Sir; it is a statement, and I am not prepared to answer it.

Dr. NALINAKSHA SANYAL: My question has not been answered, Sir.

Mr. SPEAKER: What is your question?

Dr. NALINAKSHA SANYAL: Is it a fact that the person selected for the scholarship does not belong to either the Calcutta or the Dacca University and is a person who hails from another province?

Mr. SPEAKER: I think, your question should be, what is the name of the candidate and to which University the candidate belongs?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I have already said, I have not got the name with me. Dr. Sanyal has not asked me about the University.

Dr. NALINAKSHA SANYAL: Had the candidate ever read in the Calcutta or the Dacca University?

The Hon'ble Mr. A. K. FAZLUL HUQ: The main question was not directed to that and if any other details are asked for, I must ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what were the basic conditions in the advertisements and whether belonging to the Calcutta or Dacca University was considered to be a basic condition in the advertisement or not?

Mr. SPEAKER: It was announced that the scholarship would be awarded to a student of the Calcutta University but then it was stated in the notification that, if a suitable candidate from the Calcutta University was not available, the scholarship might be awarded to any other qualified Muslim candidate domiciled in Bengal.

Dr. NALINAKSHA SANYAL: I was asking the Hon'ble Minister whether belonging to the Calcutta or Dacca University was one of the basic conditions.

Mr. SPEAKER: There are two conditions. One is given at one place and the other at another; it is not known whether they are basic or not.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether "domiciled in Bengal" is a condition precedent of the scholarship.

The Hon'ble Mr. A. K. FAZLUL HUQ: It is a matter of discretion for Government if candidates from the two Universities are not available.

Mr. SPEAKER: I hope, Dr. Sanyal knows that this Lytton scholarship is not a Government scholarship.

Dr. NALINAKSHA SANYAL: But, Sir, this scholarship is meant for Bengali Muslims.

Will the Hon'ble Minister be pleased to state if Government are considering the desirability of confining this scholarship only to Bengali Muslims?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not prepared to do that.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Project of constructing pucca building for Civil Court, Jamalpur.

228. Mr. ABDUL KARIM: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state how many Subdivisional Munsiffs' Courts in the province have no *pucca* buildings?

(*b*) Is the Hon'ble Minister aware that Government were approached several times for the construction of a *pucca* building for the Civil Court at Jamalpur in the district of Mymensingh?

(*c*) Is the Hon'ble Minister aware—

(*i*) that records and documents are kept in the present Civil Court at Jamalpur; and

(*ii*) that the witness shed for the litigant public of the Civil Court has been converted into *nazarat*?

(*d*) If the answers to (*b*) and (*c*) are in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, he proposes to take in the matter?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (a) A statement is laid on the Library table.

(b) and (c) (i) Yes.

(ii) Government have no information.

(d) Enquiry is being made in the matter and if it is found that a *pucca* building is absolutely necessary, an endeavour will be made to find the necessary funds.

Maulvi ABDUL KARIM: Will the Hon'ble Minister be pleased to state with reference to (c) (ii) whether the present building was constructed to serve the purpose of a witness-shed and whether it was so used before it was converted into a *nazarat*

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I have no information.

Government grants-in-aid enjoyed by middle English schools and madrassahs within certain police-stations, Dinajpur.

227. **Maulvi ABDUL JABBAR:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing the names of middle English schools and junior *madrassahs* within Chirirbandar, Parbatipur, Nawabganj and Ghoraghat police-stations of the Dinajpur district—

(i) which are at present in receipt of grants-in-aid from Government with the amount of grant given to each; and

(ii) which are not in receipt of any grants-in-aid from Government with reasons for such non-receipt of aid?

(b) Is it in the contemplation of Government—

(i) to grant aid to those non-aided institutions; and

(ii) to increase the grants of those aided institutions referred to above?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) (i) No middle English school within the police-stations mentioned is in receipt of a Government grant.

A statement showing the names of junior *madrassahs* with the amount of grant given to each is laid on the table (Statement I).

(*ii*) The information is supplied in a statement laid on the table (Statement II).

These institutions are in receipt of grants from the District Board funds. Not one of the middle English schools approached the Inspector of Schools for Government grants-in-aid during the last three years.

(*b*) (*i*) The question of grant-in-aid to non-aided institutions will be considered on the merits of each case if funds permit.

(*ii*) In respect to middle English schools the question does not arise.

The junior *madrassahs* are already in receipt of suitable grants from public funds. Cases of individual institutions will be considered on their own merits if funds are available.

Statement referred to in the reply to clause (a) (i) of unstarred question No. 237.

STATEMENT I.

LIST OF JUNIOR MADRASSAHS IN THE CHIRIRBANDAR, PARBATIPUR, NAWABGANJ AND GHORAGHAT POLICE-STATIONS OF THE DINAJPUR DISTRICT WHICH ARE IN RECEIPT OF GOVERNMENT GRANT-IN-AID.

Thanas.	Names of Madrassahs.	Amount of District Board grant per month.	Amount of Government grant per month.
		Rs.	Rs.
Parbatipur ..	Nurul Huda Junior Madrassah	35	45
Ditto ..	Nurul Majid Junior Madrassah	35	30
Nawabganj ...	Deogaon Junior Madrassah ..	20	30
Ditto ..	Palashbari Junior Madrassah ..	30	35

Statement referred to in the reply to clause (a) (ii) of unstarred question No. 227.

STATEMENT II.

LIST OF MIDDLE ENGLISH SCHOOLS AND JUNIOR MADRASSAHS IN POLICE-STATIONS CHIRIRBANDAR, PARBATIPUR, NAWABGANJ AND GHORAGHAT OF THE DINAJPUR DISTRICT WHICH ARE NOT IN RECEIPT OF GOVERNMENT GRANT-IN-AID.

Name of thana.	Name of the schools.	Amount of District Board grant.	Amount of Government grant.
		Rs.	Rs.
Chirirbandar ..	Alokdihi Middle English School	33	..
Ditto ..	Chirirbandar Middle English School.	40	..
Ditto ..	Hashimpur Middle English School.	35	..
Ditto ..	Kochna Middle English School*	..	
Parbartipur ..	Habra Middle English School ..	35	..
Ditto ..	Jasai Middle Vernacular School	30	..
Nawabganj ..	Daudpur Middle English School	40	..
Ghoraghat ..	Ghoraghat Middle English School.	40	..
	Junior Madrassahs.		
Chirirbandar ..	Alokdihi Junior Madrassah ..	25	..
Ditto ..	Jagannathpur Junior Madrassah.	30	..
Ghoraghat .	Balanar Junior Madrassah ..	20	..

*Recognised from 1st January, 1937. District Board budget provision is Rs. 35 per mensem.

Maulvi ABDUL JABBAR: With reference to (b) (ii), will the Hon'ble Minister be pleased to state if in view of the grants to *madrassahs* this year, he is considering the desirability of making Government grants to three junior *madrassahs* which have not yet received any such grant though they have applied for it?

The Hon'ble Mr. A. K. FAZLUL HUQ: Steps are being taken to that effect.

GOVERNMENT BILL.

Bengal Money-lenders Bill.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, on the last occasion we met here, I stated on the floor of the House that I would let the House know our attitude on the amendment moved by Mr. Surendra Nath Biswas for the purpose of excluding widows and fatherless minors with a capital of Rs. 500 from the category of money-lenders. I regret to have to say that we cannot see our way to accept it, and I think I ought to state the reason before the House. The reason is that we fear that this exemption will be utilised for the purpose of money-lending by others who are not widows or fatherless minors and also will be utilised for utilising a capital greater than Rs. 500. As there will be no check on them, no restriction, no necessity for keeping books of accounts and delivering accounts, it will be impossible for any one to say whether a capital of Rs. 500 was being turned over and over, or a capital of Rs. 50,000, or a lakh. We feel, however, Sir, that, so far as widows or fatherless minors are concerned, who may be engaged *bona fide* in this business of money-lending with a small capital of Rs. 500, we ought to be in a position to remit them the licence-fee and, as at present advised, Sir, we intend to bring them under the exemption clause 9A under which the Provincial Government may, by notification in the Official Gazette, remit any part of such fee either generally or for any particular class of money-lenders. This is the only concession which we can give them.

Sir, it will be letting in a great deal of fraud if we exempt them from the other Chapters—III, IV and V. We hope, Sir, that this will satisfy Mr. Surendra Nath Biswas, and that he will not press his motion to vote.

Mr. SPEAKER: I want to know, Mr. Suhrawardy, what you intend to do about the other amendment, I mean about commercial loans.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I would request you not to take it up to-day. (Cries of No to-day, not to-day from Congress Benches.)

Mr. SPEAKER: Then after this amendment is finished, you intend to proceed with Chapters II, III, and IV continuously?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir.

The motion of Mr. Surendra Nath Biswas that after clause 2(*11*) the following proviso be inserted, namely:—

"Provided that a widow or a fatherless minor whose total advances in loans do not exceed the sum of rupees five hundred is not money-lender,"

was then put and lost.

Maulvi ABU HOSSAIN SARKAR: Mr. Speaker, Sir, I beg to move that in clause 3, lines 5 to 7, for the words beginning with "the money-lender actually" and ending with "money-lending," the words "the borrower actually and voluntarily resides or carries on any business" be substituted.

Sir,—

Mr. SPEAKER: Let all the amendments be formally moved first and then you will speak.

Babu PREMHARI BARMA: Mr. Speaker, Sir, I beg to move that in clause 3, line 6, for the word "money-lender" the word "borrower" be substituted.

Mr. BIRENDRA KISHORE RAY CHOUDHURY: Mr. Speaker, Sir, I beg to move that clause 3(*a*) be omitted.

Mr. JATINDRA NATH BASU: Mr. Speaker, Sir, I beg to move that in clause 3(*a*), for the words "the Court of Small Causes, Calcutta" the words "the High Court of Judicature at Fort William in Bengal in its Ordinary Original Civil Jurisdiction" be substituted.

Maulvi ABU HOSSAIN SARKAR: Mr. Speaker, Sir, I beg to move that in clause 3(*b*), lines 1-3, for the words beginning with "the Court of" and ending with "proceedings" the words "All Courts of Original Civil Jurisdiction or any Court where the High Court or the District Court as the case may be, may transfer the proceedings" be substituted.

Mr. JATINDRA NATH BASU: Mr. Speaker, Sir, I beg to move that in clause 3(*b*), line 3, after the word "Court" the words "not lower than the Court of a Subordinate Judge" be inserted.

Mr. SPEAKER: These are all the amendments. I hope honourable members will be as brief as possible, if they want to say anything.

Maulvi ABU HOSSAIN SARKAR: Sir, I have moved my amendment No. 381 for the purpose of giving some relief to the borrowers in the matter of jurisdiction of a Court when a suit is to be instituted.

Sir, civil law, generally, in our country is that where the borrower resides or actually carries on his business of money-lending, the cases are instituted. But now that provision is going to be taken away, and the Bill provides that cases are to be instituted where the creditor resides or carries on his business. This will cause a good deal of hardship to the mufassal borrowers because we know that there are some persons who lend money all over Bengal and have got firms in big towns like Calcutta, Dacca, and Chittagong and who can institute cases in those places, and then it will be difficult for the mufassal borrowers to file written statements and contest those cases in such big towns. On the other hand, Sir, money-lenders, like *kabuliwallas*, will take advantage of this clause fully; they will go to the mufassal, lend money and have temporarily hired houses in a big town like Calcutta or some other big town, and harass the borrowers. Therefore, Sir, I submit that the original law which exists in our country, I mean the Civil Procedure Code, should be followed, and this salutary provision of instituting cases where the poor borrowers reside or carry on business should be kept intact.

With respect to amendment No. 389, Sir, the present Bill provides that all cases controlled by this measure should be instituted either in the Court of Small Causes, Calcutta, or in District Courts outside Calcutta. By this amendment, Sir, I beg to say that as regards the cases within the town of Calcutta, there is no objection to their being taken up in the Small Cause Court, but when a mufassal borrower is concerned, I submit that the lowest Court of Original Jurisdiction should be taken advantage of and that cases should be instituted either in the Munsif's Court or in the Court of a Subordinate Judge, as the case may be. I, therefore, submit, Sir, that these two amendments should be accepted by Government.

Mr. SPEAKER: Any other speech?

Babu PREMHARI BARMA: Mr. Speaker, Sir,——.

Mr. SPEAKER: Your purpose has already been served by the speech of Maulvi Abu Hossain Sarkar. So, it is not necessary for you to speak.

Babu PREMHARI BARMA: All right, Sir.

Mr. BIRENDRA KISHORE RAY CHOUDHURY: Sir, I seek this omission in order that in the case of a money-lender in Calcutta the

competent Court to entertain proceedings under section 14 and to pass orders thereon, may be the High Court in Calcutta in its Ordinary Original Civil Jurisdiction. This is necessary for the reason that consideration of application for cancellation of licences is ordinarily not the business of the Court of Small Causes. Further, section 14 relates to application for cancellation of licence and is, therefore, a matter of serious importance to the money-lenders. In a matter of this nature the money-lender's case should receive proper justice. I therefore, want clause 3(g) to be omitted, so that the competent Court in this instance may be the High Court in its Ordinary Original Civil Jurisdiction.

Mr. JATINDRA NATH BASU: Sir, this Act seeks to invest the courts which have been called "competent" courts with power to register money-lenders, to remove them from the register and place them on the register and take proceedings against them in the case of any misconduct. In Calcutta, transactions take place, sometimes of the value of several lakhs of rupees. The Calcutta Small Cause Court, as you all know, is a Court of Summary Jurisdiction. It is not a Court of Record and its pecuniary jurisdiction goes up to Rs. 2,000 only, while it may deal with the affairs of a lender whose money-lending transactions may extend to a crore of rupees or over. I have therefore suggested in this amendment that in Calcutta, proceedings that are taken with reference to money-lenders under clauses 14 and 15 of the Bill should be the High Court of Judicature which has a regular procedure for enquiry and is a Court of Record and where matters in which heavy sums are involved may be properly represented.

Sir, may I also speak on my next amendment (No. 391)?

Mr. SPEAKER: Yes.

Mr. JATINDRA NATH BASU: With regard to this amendment, as I have already said, Sir, the provision affects the status of the man who lends money and in order that he may have the status duly established, the matter should be before a court of law which has no limit fixed to its pecuniary jurisdiction. In districts outside Calcutta, a Subordinate Judge can entertain a suit for any sum. Those Courts are trained to deal with monetary claims for sums to which there is no limit. I have therefore suggested in this amendment that outside Calcutta the Court which should be invested with the authority of "a competent Court," should be a Court not lower than the Court of a Subordinate Judge.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I regret to have to oppose all the amendments. With regard to the first amendment of Mr. Abu Hossain Sarkar, I think, he is mistaken regarding

the jurisdiction. What is the actual law at the present moment on the question of jurisdiction? The jurisdiction of a Court is conditioned primarily by the place where the transaction takes place, and I take it that if a borrower goes and borrows money from a money-lender, he himself chooses his own jurisdiction. Moreover, in this clause it is the money-lender who is in the position of defendant, and I am in agreement with the recommendation of the Select Committee that the Court having jurisdiction over the place where the money-lender actually and voluntarily resides is the correct Court.

As regards the next amendment of Mr. Abu Hossain Sarkar, I think the draft of the Select Committee is much clearer and more explicit.

Mr. Birendra Kishore Ray Choudhury's amendment is to the effect that clause 3(*a*) be omitted and that the High Court should have jurisdiction. Now, Sir, the Select Committee purposely and, I think, for very good reasons gave the jurisdiction to the Court of Small Causes. I know that persons who are rich and have money and can afford to go to the High Court, would prefer the High Court to the Court of Small Causes. I fear, the Judges of the Court of Small Causes would have been a little annoyed if they had heard the speech of Mr. Ray Choudhury when he said that he wanted the High Court in order to get proper justice. We can, I believe, get proper justice from the Court of Small Causes and as that will be a cheaper Court to go to than the High Court, the borrower ought not to be compelled to go to the more expensive High Court when the Court of Small Causes will serve the purpose. For these reasons I also oppose the amendment of Mr. Jatindra Nath Basu. It would be a little bit absurd to expect that, if you want to cancel the license of a *kabuli*, you will have to go to the High Court for that purpose. Similarly, there is no reason why the District Judge should be compelled to transfer the application for hearing to a Subordinate Judge. A special application under section 14 will have to be made to the District Court and the District Judge thereupon will transfer, and we can presume that he will exercise his discretion properly and will transfer the case to a Court which can adequately deal with it. I hope that my reasons will be found adequate for honourable members either to withdraw their amendments or not to press them.

Mr. SPEAKER: Mr. Abu Hossain Sarkar, I would just like to draw your attention that section 3 deals not with ordinary money-lenders; so I do not think your amendment No. 381 is necessary.

Maulvi ABU HOSSAIN SARKAR: Yes, Sir, I have gone through it carefully, and I also think it is not necessary. I beg leave to withdraw the amendment.

The motion of Maulvi Abu Hossain Sarkar that in clause 3, lines 5 to 7, for the words beginning with "the money-lender actually" and ending with "money-lending," the words "the borrower actually and voluntarily resides or carries on any business," be substituted, was then by leave of the House withdrawn.

The motion of Mr. Premhari Barma that in clause 3, line 6, for the word "money-lender" the word "borrower" be substituted, was then by leave of the House withdrawn.

The motion of Mr. Jatindra Nath Basu that in clause 3(*a*), for the words "the Court of Small Causes, Calcutta," the words "the High Court of Judicature at Fort William in Bengal in its Ordinary Original Civil Jurisdiction" be substituted, was then put and lost.

The motion of Maulvi Abu Hossain Sarkar that in clause 3(*b*), lines 1-3, for the words beginning with "the Court of," and ending with "proceedings" the words "All Courts of Original Civil Jurisdiction or any Court where the High Court or the District Court, as the case may be, may transfer the proceedings" be substituted, was then put and lost.

The motion of Mr. Jatindra Nath Basu that in clause 3(*b*), line 3, after the word "Court" the words "not lower than the Court of a Subordinate Judge" be inserted, was then put and lost.

The motion of Mr. Birendra Kishore Ray Choudhury that clause 3(*c*) be omitted was then put and lost.

Mr. SPEAKER: I have disposed of all the amendments on clause 3. Now, in a complicated Bill of this nature, it is quite possible that there may be some lacuna which we may find out at the last moment. Therefore, I propose to put the clauses before the House afterwards so that in case it turns out that a particular thing has not been considered, the House will get an opportunity of further consideration. So, the amendments on clause 3 are disposed of, but the main clauses I will put together at the last moment.

Mr. JOGESH CHANDRA GUPTA: Sir, considering the indecision of Government, that is the only course left. But that is not the proper procedure. We ought to finish clause by clause.

Mr. SPEAKER: That is why in its supreme wisdom, the House in given the Original Jurisdiction for its own procedure.

Maulvi ABU HOSSAIN SARKAR: I beg to move that in clause 4(3), lines 3 and 4, for the words beginning with "as if it were an appeal" and ending with "District Court" the words "and in any

other case to the District Court. But where District Court is to give any decision on transfer of a case by a High Court the appeal shall lie direct to the High Court" be substituted.

Mr. SPEAKER: The latter part of it does not arise. The first part, namely, "and in any other case to the District Court", is also the same. It is not necessary. May I take it that it is not moved?

Maulvi ABU HOSSAIN SARKAR: Yes.

Mr. SPEAKER: That disposes of clause 4.

As no amendments on clause 5 have been moved, clause 5 is disposed of.

Dr. NALINAKSHA SANYAL: Where is clause 5?

Mr. SPEAKER: Between hell and heaven.

Dr. NALINAKSHA SANYAL: Where are we then?

Mr. SPEAKER: That I would not say at present.

Clause 6.

Mr. MD. ABUL FAZL: I beg to move that in the proviso to clause 6, lines 1 and 2, for the words "an officer of the Crown in India" the words "public servant" be substituted.

Mr. SPEAKER: What is the definition of your "public servant"? I hope you don't mind my asking this question. Will a municipal commissioner be regarded as a public servant?

Rai HARENDRA NATH CHAUDHURI: Yes, he may mean that.

Mr. SPEAKER: Is it not better to withdraw the motion?

Mr. MD. ABUL FAZL: I beg leave of the House to withdraw my amendment.

The motion was then by leave of the House withdrawn.

Mr. ASIMUDDIN AHMED: I beg to move that in the proviso to clause 6, in line 2, after the word "India" the words "of the Registration Department" be inserted.

Mr. SPEAKER: Why do you want to restrict it to the Registration Department alone?

Mr. ASIMUDDIN AHMED: Registration Department ছাড়া যথেষ্ট অন্য কোন department এর দরকার নাই, অনর্থক কর্মচারীর সংখ্যা বৃদ্ধি করা আমি প্রয়োজন মনে করি না। আমি আর বিশেষ কিছু বলতে চাই না।

Maulvi ABU HOSSAIN SARKAR: I don't move my amendment (No. 403).

Dr. NALINAKSHA SANYAL: In view of the fact that Maulvi Abu Hossain Sarkar does not desire to move his amendment (No. 403) may I have your permission to move a short-notice amendment?

Mr. SPEAKER: Yes.

Maulvi ABU HOSSAIN SARKAR: Personally I do not like to move my amendment No. 403, but I find that the majority of my party members are in favour of moving it. Therefore, I beg your permission to move it.

Mr. SPEAKER: After having once said that you do not move, you cannot do it now.

Mr. SPEAKER: Dr. Sanyal you can move your short-notice amendment now.

Dr. NALINAKSHA SANYAL: I beg to move that in the proviso to clause 2, in line 1, after the word "Crown" the words "and did not hold office as a Deputy Magistrate or a Munsif or a Sub-Deputy Collector or a Sub-Registrar" be inserted.

Our explanation is very simple. We want to restrict the number of officers under the Crown who could be entrusted with these duties, because we feel that this important duty should not be exercised by anybody and everybody including a sub-inspector of police or even a constable. There must be some limit here we should place the officers of the Crown who would be authorised to exercise this function. I think the officer concerned must be of a sufficiently high rank, and he must also have previously something to do with the kind of work that would be entrusted to him. He must either have legal training or he must have some training as a Sub-Registrar who, under similar circumstances, deals with similar kind of work. That is why we desire to limit it to certain classes of persons or not to go beyond the limit of persons

who hold office as a Deputy Magistrate or a Munsif or a Sub-Deputy Collector or a Sub-Registrar. It will be noticed that we want to keep the number of officers sufficiently wide——

Mr. SPEAKER: Including the Veterinary Surgeon?

Dr. NALINAKSHA SANYAL: No. If the Veterinary Surgeon had served as a Deputy Magistrate he can, of course, have it.

Dr. NALINAKSHA SANYAL: Yes, I am including Sub-Registrars also.

Dr. NALINAKSHA SANYAL: Yes, I am including Sub-Registrars, I do think Government propose to give Sub-Registrars this power.

Mr. SPEAKER: I do not know how it will stand. Let me see.

Dr. NALINAKSHA SANYAL: I do not think Government had ever anything under contemplation beyond that. As a matter of fact, if you will look up the section you will find that a Sub-Registrar is mentioned (of course that Sub-Registrar must necessarily be a Sub-Registrar under the Registration Act). Section 6 (appointment of Provincial and other Registrars) mentions a Provincial Registrar at the apex and under him "Registrars and Sub-Registrars." We have conceived of all possible cases of officials that might be selected, and in order that we may not embarrass Government by putting the list sufficiently high we have included the Sub-Registrars also.

Mr. SPEAKER: Your purpose is that nobody should be appointed as such unless he is a Deputy Magistrate or a Munsif or a Sub-Deputy Collector or a Sub-Registrar.

Dr. NALINAKSHA SANYAL: That is exactly what I intend. I think the Hon'ble Minister himself will realise that this is a very reasonable suggestion and Government also cannot have under contemplation anything beyond that.

The Hon'ble Mr. H. S. SOHRAWARDY: I am sorry I must oppose it.

The motion of Maulvi Asimuddin Ahmed that in the proviso to clause 6, in line 2, after the word "India" the words "of the Registration Department" be inserted, was then put and lost.

The motion of Maulvi Abu Hossain Sarkar, moved by Dr. Nalinaksha Sanyal, that in the proviso to clause 6, line 1, after the word "Crown"

the words "and did not hold office as a Deputy Magistrate or a Munsif or a Sub-Deputy Collector or a Sub-Registrar" be inserted was then put and a division taken with the following result:—

AYES—37.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Acharyya Choudhury, Maharaja Sahi Nanda, of Muktagacha, Mymensingh.
Ahmed Khan, Mr. Syed.
Ashiruddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Prambari.
Barman, Babu Shyama Prasad.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Choudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dutta, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalan, Mr. I. D.
Janab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lal.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Mukarji, Mr. Dhirendra Narayan.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Ray Choudhury, Mr. Birendra Kishore.
Roy, Mr. Charu Chandra.
Roy, Mr. Dhananjoy.
Ray, Mr. Kamalkrishna
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Lal.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Sen, Rai Bahadur Jogesh Chandra.
Shahedali, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Narendra Kumar.
Tapuriah, Rai Bahadur Moongtu Lall.
Thakur, Mr. Prabhakar Ranjan.

NOES—104.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Halim, Mr. Mirza.
Abdul Hafiz, Mr. Md.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi A.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abdur Reza Choudhury, Khan Bahadur Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Afiab Hosain Joarder, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Aizaruddin Ahmed, Khan Bahadur Maulvi.
Ghiasuddin Ahmed, Maulvi.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Birkmyre, Sir Henry, Bart.
Blomfield, Mr. L. M.
Brown, Mr. A. O.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dam, Babu Debendra Nath.
Esther, Mr. Upendranath.
Fazlul Haque, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.

Fazlur Rahman (Mymensingh), Mr.
Golam Sarwar Hussaini, Dr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. G.
Hafizuddin Choudhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hassanuzzaman, Maulvi Md.
Hasina Murshed, Mrs., M. B. E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Idris Ahmed Mia, Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Dr.
Mafizudin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Sanku Behari.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J.
Miles, Mr. C. W.
Millar, Mr. G.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Palin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srishchandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nelson, Mr. H. R.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Ross, Mr. J. B.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Pativam.
Sadaruddin Ahmed, Mr.
Shamilan, Dr.
Sarkar, Babu Madhusudan.
Sarkar, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. M.
Sirajul Islam, Mr.
Sirdar, Babu Lalla Munda.
Smith, Mr. H. Brabant.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 67 and the Noes 104, the motion was lost.

Mr. SHAHEDALI: Sir, I beg to move that in clause 8, in line 1, after the words "six months" the words "and not more than one year" be inserted.

Dr. NALINAKSHA SANYAL: Sir, I beg to to move that in clause 8, in line 6, after the word "himself" the words "or to the firm, corporation or joint family of which he is a member" be inserted.

Sir, I have only to try to make the meaning of the clause clearer. The use of the word "himself" has caused some confusion, and it appeared to me, and probably it will appear to many a lawyer in future, that the conception of the licence is that of permission to an individual, and if several individuals belong to a corporation or firm, each of them will have to take out a separate licence. The word "persons" under the General Clauses Act cannot apply in a case like that. I am sure Government had no such intention when they used the word "himself." The licence issued to "himself" makes it incumbent that this should be further explained, and I have, therefore, sought to add the words "or to the firm, corporation or joint family

of which he is a member." I have only tried to clarify the meaning. Sir, in the definition of money-lender it is clear that money-lender means "a person", that is to say, a corporation or a firm or a joint family which is recognised for commercial purposes as one corporate unit. But, unfortunately, the use of the word "himself" in this clause limits the issue of the licence to an individual, and if Government instead of using the word "himself" would say "issued to the person", then, of course, probably, I would not have pressed my amendment. Sir, an effective licence is liable to be cancelled as a result of certain criminal offences that the individual might commit. These offences are enumerated in a schedule attached to the Bill. A criminal offence can naturally only relate to the individual or the person concerned; it is not of the nature of a civil liability; and when as a result of a criminal offence a person or an individual loses his right to have the privilege of a licence, I submit that the whole corporation of which he is a member should not be debarred from having the privileges of doing money-lending business as contemplated under the Act. This criminal offence may have absolutely nothing to do with the money-lending business at all. As you will notice, Sir, under section 12A a person shall be disqualified for holding a licence if he has been convicted of an offence specified under the schedule to this Act, and in that schedule, Sir, I have mentioned offences under sections 379-382, 384-389, 399-404, I.P.C., and so on and so forth. Evidently these offences will relate to an individual, and if a licence has been issued to an individual who, while being a member of a corporate body, has suffered from any disabilit mentioned in the schedule he may himself go out. But my submission is that a corporate body should not be debarred from the privilege of the licence merely because one member of it has been convicted of an offence of theft which has nothing to do with the money-lending business at all. Similarly, in regard to a joint family, I do not know if the Hon'ble Mr. Suhrawardy is aware of the functioning of a joint family properly, but I hope many members of the Coalition Party must be knowing how a joint family functions. In a Hindu joint family there are several members each of whom might have money-lending transaction the profit of which goes entirely to the coffers of the joint family. That being the position, sometimes documents are made out either in the name of the whole list of members of the joint family or in the name of one person who is the manager or the head of the family, yet the entire benefit goes to the whole family. If under such circumstances an individual is debarred from the privilege of effective licence, others should not be deprived of the privilege, and correspondingly if all the members of the joint family are required individually and severally to take out licences independently each by himself, then each person will have an independent business of money-lending. That certainly cannot be contemplated. That is why I wanted to make the position clear

by adding after the words "issued to himself" the following words, viz., "or to the firm, corporation or joint family of which he is a member."

Mr. BIRENDRA KISHORE RAY CHOUDHURY: Sir, I beg to move, by way of amendment, that after clause 8, the following proviso be added, namely:—

"Provided, however that no licence shall be required, to be held by any person who, after the date appointed by notification mentioned above, does not continue to carry on the business of money-lending by advancing fresh loans within the meaning of this Act except realisation of dues in connection with loans advanced before the said date."

There is no reason why a money-lender, who has ceased to be a money-lender by advancing fresh loans but has got to make realisations of dues in connection with loans advanced before the date of the abovementioned notification, should be required to hold a licence for money-lending business even when he is out of the business. Sir, I think the absurdity of the position is self-evident.

Babu UPENDRA NATH BARMAN: Sir, I beg to move that to clause 8 the following proviso be added, namely:—

"Provided that the Provincial Government may, by notification in the Official Gazette, exonerate either generally or in particular any class of money-lenders from the obligation of taking out a licence."

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. Speaker, Sir, with regard to the amendment of Mr. Shahedali, there is no reason why the hands of Government should be tied down to one year. It is the duty of Government to make the necessary rules and, as soon as possible after the passage of this Bill, to take steps for the purpose of fixing a date for the issue of a licence. If Government does not act expeditiously—as expeditiously as it possibly can under the circumstances—we can be impeached on the floor of this House. Sir, there is no reason why the limit should be placed in the Act itself.

Regarding Dr. Sanyal's amendment, Sir, if instead of the word "himself" we use the word "person," it does not make any sense. "No money-lender shall carry on the business of money-lending unless he holds an effective licence issued to the person"—that does not make any meaning at all.

Dr. NALINAKSHA SANYAL: I did not suggest that. Will you kindly read my amendment?

The Hon'ble Mr. H. S. SUHRAWARDY: I have seen your amendment. Your amendment states that after the word "himself" the words "or to the firm, corporation or joint family of which he is a member" should be inserted. But a money-lender can be any of these under the general provisions of this Bill regarding penalties, and there is no ambiguity with regard to it, because if Dr. Sanyal will refer to clause 39, he will find that the various classes of money-lenders have been specifically mentioned there: "If the money-lender is an individual, such individual, or an undivided Hindu family, the manager, or a body corporate, the directors, the manager and all other officers of such body or an unincorporated body." There is no suggestion at all that if a firm——

Dr. NALINAKSHA SANYAL: It is all the more necessary then.

The Hon'ble Mr. H. S. SUHRAWARDY: If a firm carries on business in its own name and has no separate entity, there is no suggestion that each member of the firm should take out a separate licence. But as happens in many cases, if a person carries on business as a member of the firm and also separately, then under those circumstances this man will obviously have to take out a separate licence for himself. Therefore, if there is any ambiguity, that ambiguity arises if Dr. Sanyal's amendment is accepted. A member of a firm will not have to take out a separate licence even though he may be carrying on business under his own name.

Mr. SASANKA SEKHAR SANYAL: Why not delete the words "issued to himself"?

Dr. NALINAKSHA SANYAL: It will be better then.

The Hon'ble Mr. H. S. SUHRAWARDY: That is a reasonable suggestion, and I am prepared to accept that as a short-notice amendment, which I formally move with your permission (Mr. SURENDRA NATH BISWAS: And define the word "person".)

Then, Sir, I come to the amendment of Mr. Birendra Kishore Ray Choudhury, namely, that if a person is merely collecting his dues and not carrying on any business he shall not be required to take out a licence. Sir, a person is either a money-lender, or he is not. If he is not a money-lender, then no licence is necessary. If he is a money-lender, then I see no reason why there should be such a complicated proviso, namely, where a person is merely collecting funds and not carrying on any business, he need not take out a licence. I hope Mr. Birendra Kishore Ray Choudhury will withdraw his amendment.

Regarding new amendment No. 16 of Babu Upendra Nath Barman, I think, Sir, that this is the same clause 9A, which runs thus: "There shall be paid to the Provincial Government a fee of fifteen rupees for a licence issued under this Act: provided that the Provincial Government may, by notification in the Official Gazette, remit any part of such fee either generally or for any particular class of money-lenders." I believe that it is the same, and therefore, Sir, there is no reason why this amendment should be accepted.

I oppose all the amendments.

Mr. SPEAKER: I shall first put the short-notice amendment suggested by Mr. Sasanka Sekhar Sanyal and accepted by the Hon'ble Mr. Suhrawardy.

The short-notice amendment of the Hon'ble Mr. H. S. Suhrawardy that the words "issued to himself" in lines 5 and 6 of clause 8 be deleted was then put and agreed to.

The motion of Mr. Shahedali that in clause 8, in line 1 after the words "six months" the words "and not more than one year" be inserted was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 8, in line 6, after the word "himself" the words "or to the firm, corporation or joint family of which he is a member" be inserted was then by leave of the House withdrawn.

The motion of Mr. Birendra Kishore Ray Choudhury that after clause 8, the following proviso be added, namely:—

> "Provided, however, that no licence shall be required to be held by any person who, after the date appointed by notification mentioned above does not continue to carry on the business of money-lending by advancing fresh loans within the meaning of this Act except realisation of dues in connection with loans advanced before the said date."

was then by leave of the House withdrawn.

The motion of Babu Upendra Nath Barman that to clause 8 the following proviso be added, namely:—

> "Provided that the Provincial Government may, by notification to the Official Gazette, exonerate either generally or in particular any class of money-lenders from the obligation of taking out a licence."

was then put and lost.

Mr. SPEAKER: That disposes of clause 8.

Dr. KALINAKSHA SANYAL: Let us have the interval now, Sir.

Mr. SPEAKER: Not now. We shall adjourn at 6-45 p.m. We shall now take up clause 9.

Clause 9.

Mr. CHARU CHANDRA ROY: Mr. Speaker, Sir, I beg to move that in clause 9, line 2, for the word "three" the word "five" be substituted.

Mr. SHAHEDALI: Mr. Speaker, Sir, I beg to move that after clause 9 (2), the following be added, namely:—

"(3) On the expiration of the period for which the licence was granted or on the cancellation of a licence, if the money-lender fails to produce the licence before the issuing officer, he shall be fined by the officer concerned in his discretion a sum not less than the licence fee."

Sir, in clause 9, sub-clause (2), it is provided that the money-lender shall produce his licence before the issuing officer. If he does not do so, then there is no provision in the Bill to make him do so.

Mr. SPEAKER: There is a provision in the later part of the Bill that any violation of any provision of this Act is liable to penalty. So, your amendment is much milder than what is provided for in the Bill.

Mr. SHAHEDALI: In that case, Sir, I beg leave of the House to withdraw my amendment.

The motion of Mr. Shahedali was then, by leave of the House, withdrawn.

Mr. SASANKA SEKHAR SANYAL: May I have your permission, Sir, to move formally amendment No. 430 standing in the name of Dr. Nalinaksha Sanyal?

Mr. SPEAKER: Yes.

Mr. SASANKA SEKHAR SANYAL: Sir, I beg to move that in clause 9(1) in line 3, after the word "cancelled" the words "provided

that, in case of death of the licensee his legal heir or heirs may be entitled to carry on the business of money-lending for the unexpired period of the licence after filing a declaration to the Sub-Registrar who issued the licence in a form prescribed for the purpose" be inserted.

Mr. SPEAKER: Mr. Suhrawardy, there are only two amendments before the House—one moved by Mr. Charu Chandra Roy and the other moved by Mr. Sasanka Sekhar Sanyal. They are numbered 425 and 430 respectively.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose both the amendments. After all, the Select Committee has arrived at the figure of Rs. 5 and we should be content with that and not disturb it.

Regarding the amendment of Dr Sanyal, moved by Mr. Sanyal, it is really not needed although it seems somewhat reasonable. If the old business is being carried on, then there is no reason why a new licence should not be taken. What is suggested is that for the unexpired portion of the licence he may be able to carry on the old business similar to mutation in the *serishta* of zemindars. But unfortunately if a man dies, who is going to carry on in his place, nobody knows. There may be a number of legal heirs and so there may be a contest over that.

Dr. NALINAKSHA SANYAL: That is why I have said "legal heir or heirs."

The Hon'ble Mr. H. S. SUHRAWARDY: There is no reason why they should carry on the old business without taking out a fresh licence. The suggestion appears to be that they will carry on for the unexpired period only and as soon as it has expired, they will not carry on the business for any time longer. I submit, this is going to make things more complicated. We would be required to have more records for the purpose; evidence will have to be taken in order to find out who are the legal heirs and who are not. For the purpose of carrying on that business, you have got to be on the watch whether there is going to be any change. There is no reason why for this paltry sum which a money-lender will have to pay for a fresh licence, we should provide for such a complicated procedure in the Bill.

Dr. NALINAKSHA SANYAL: Sir, may I speak a few words on my amendment?

Sir, it is far from my mind to introduce any complication in this connection. As a matter of fact, the Hon'ble Mr. Suhrawardy has admitted that my amendment is more or less reasonable, but he feels that it is not necessary, because he thinks that such cases are not contemplated in

the ordinary course of business. But we have under the present Act specifically laid down provision for the issue of licences for a period of 3 years and we have also fixed a licence fee for the same at Rs. 15. After having got the licence, supposing a person who belongs to a joint family and who has a licence issued in his name or has individually had a licence issued to him, dies, there is an unexpired period of, say, 2 or 2½ years or more. In the meantime, there has been a fee already paid and the licence for the business already taken. So long as there is no action on the part of the continuing person which will debar him from the privileges of the licensee, there is no reason why Government should try to have a new licence issued to him and get a fresh fee exacted from him. It is quite possible that he may die just after a month of the issue of the licence and still he had already a licence issued to him. It is just like the trade licence issued to a firm or to other smaller organisations where we have licences issued for the carrying on of the trade and when, for example, the Registrar of Joint Stock Companies gives licence for a particular kind of business which remains operative till the licence is cancelled. There is a period for which the licence is valid. Here also a similar licence issued for three years will go on for three years unless and until due to specific reasons the licence is cancelled or the period expires. So long as it is not cancelled or the period does not expire, my suggestion is that it is only fair that the natural or the legal heir or heirs should continue to have the privilege of the licensee who had died prematurely.

The Hon'ble Mr. H. S. SUHRAWARDY: I think, Dr. Sanyal himself will see the weakness of his argument when I give an illustration. For instance, a hawker takes out a licence and dies after two months; I have yet to know that his heirs can come in and use his hawker's licence for the unexpired period. (Rai HARENDRA NATH CHAUDHURI: But there is the Succession Act.) This is a licence given to an individual. (Dr. NALINAKSHA SANYAL: A hawker is not a money-lender.), and it is the legal heir or heirs who are being asked to take out a fresh licence and carry on the business on that licence.

I am indebted to Mr. J. N. Basu who has just pointed out to me that after the death of a person, nobody can carry on that particular business. Legally, the business is to be wound up. If any one carries on the business he carries on a fresh business. So there is no reason why it should be contemplated that after a money-lender dies his heirs can carry on his business. It is a new business that they are carrying on and should take a new licence. For these reasons, I oppose the amendment of Dr. Sanyal.

The motion of Mr. Charu Chandra Roy that in clause 9, line 2, for the word "three" the word "five" be substituted, was then put and lost.

The motion of Dr. Nalinaksha Sanyal, moved by Mr. Sasanka Sekhar Sanyal, that in clause 9 (*1*), in line 3, after the word "cancelled" the words "provided that in case of death of the licensee his legal heir or heirs may be entitled to carry on the business of money-lending for the unexpired period of the licence after filling a declaration to the Sub-Registrar who issued the licence in a form prescribed for the purpose" be inserted, was then put and lost.

Mr. SPEAKER: That disposes of clause 9.

(after adjournment.)

Mr. SPEAKER: We will now take up clause 9A.

Maulvi MD. ABUL FAZL: I beg to move that in clause 9A, line 2, for the words "a fee of fifteen rupees for a licence issued under this Act" the following be substituted, namely—

"the following scale of fees for a licence to be issued under this Act—

		Rs.	Fee. Rs.
(*a*) Money-lending business	up to	500	1
(*b*) " " "	above	500	
	up to	1,000	2
(*c*) " " "	above	1,000	
	up to	2,500	5
(*d*) "	above	2,500	
	up to	5,000	10
(*e*) " " "	above	5,000	15

Mr. SPEAKER:—I do not want to intervene, but don't you think it will make the Bill complicated. You can reduce and make it a graded scale, but it will not be to the advantage of everybody.

Mr. DHIRENDRA NATH DATTA (on behalf of Mr. Rasik Lal Biswas): I beg to move that in clause 9A, line 2, for the word "fifteen" the word "ten" be substituted.

Mr. HARENDRA KUMAR SUR: I beg to move that in clause 9A, line 2, for the word "fifteen" the word "nine" be substituted.

Mr. MD. ABUL FAZL: I beg to move that the following proviso be added to clause 9A, namely:—

"Provided also that such licence fee shall not form part of any cost that the debtor may be required to pay to the creditor."

Mr. DHIRENDRA NATH DATTA: I beg to move that the proviso to clause 9A be omitted.

The Hon'ble Mr. H. S. SUHRAWARDY: Have you no sympathy for widows and fatherless minors?

Mr. DHIRENDRA NATH DATTA: My object in moving this amendment is this: I have already said and Mr. Sur has stated that the licence fee should be reduced from Rs. 15 to Rs. 9 so that the annual licence fee will be Rs. 3, but Mr. Rasik Lal Biswas wants the licence fee to be reduced from Rs. 15 to Rs. 10. His idea was that the licence fee should be for five years. In this amendment we propose that the licence fee should be reduced from Rs. 15 to Rs. 9, so the annual licence fee should be Rs. 3, but if the amendment of Mr. Rasik Lal Biswas is accepted, it will be Rs. 2. There is absolutely no reason why there should be this proviso. We are not remitting any part of the fee for any particular class of money-lenders as this will give rise to something which I need not discuss.

Mr. SURENDRA NATH BISWAS: I beg to move that in proviso to clause 9A, in line 2, after the word "fee" the words "or make it payable by such annual instalments as they think fit" be inserted.

If the amendments of my freind Mr. Rasik Lal Biswas (Nos. 439 and 443) are not accepted, then I shall press this amendment of mine, otherwise not.

Dr. NALINAKSHA SANYAL: May I just say a few words in this connection generally on all the amendments?

Mr. SPEAKER: Yes, you may.

Dr. NALINAKSHA SANYAL: I rise to speak more with a view to make the position of the Congress Party clear in view particularly of some observations that have been made by Mr. Suhrawardy in this connection. We have applied our mind very carefully to the proposition of the issue of licence as well as the fee of licence fees. Our attitude is this, that in order to facilitate the registration of money-lenders, the step which we are just going to introduce in this province for the first time, we should keep the licence fees as low as possible. We must encourage every class of persons that come under the category of money-lenders to come in for some kind of registration on payment of a licence fee. In determining the rate of the licence fee we feel that it should be like a uniform fee just for the permission of the sanction for carrying on money-lending business. As in the case of lawyers paying an annual fee of Rs. 25 for their licence, or of a motor car driver for driving motor cars—whether the same be a Rolls Royce or a Baby Austin—paying a uniform fee, so also we feel that we must facilitate the issue of licence by levying of as low a fee as possible. We do not want Government to make any profit whatever out of the collection of licence fees or to raise money for the maintenance of the Department of Registration; and the issue of licences should not necessarily have anything to do with the collection of licence fees. We press, therefore, that consistent with this attitude the fee should be as low as possible, namely, not more than Rs. 2 a year or Rs. 3 at the very most and we decided to support such motions as sought to enhance the number of years from 3 to 5 years or to reduce the scale of fees Rs. 15 to Rs. 9 or less. With that end in view we have made up our mind to oppose the proviso in the first place because if the fee is fixed at a very low figure there will be no need for a special power in the hands of the Government of this character; secondly because on principle we oppose the idea of the Provincial Government retaining a power which may in some eventuality be exercised as a matter of patronage. (The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar laughed.) Of course the Hon'ble Minister for Communications is unaware of patronage; therefore he is rolling in laughter and probably he is not in the know of some of the patronages already extended in his own department and sought to be extended not by his own self but through other persons even over his head. (A VOICE: With his knowledge.) Some knowledge trickles. Knowledge that does not come to the Hon'ble Minister in charge often comes to the opposition. We have knowledge of the Hon'ble Chief Minister sending letters for the issue of contracts.

I do not want to take much time of the House over this. We want to delete the proviso only because we feel that a power like this is

absolutely unnecessary and will probably lead to some corrupt practices if the power is not definitely limited within certain limits prescribed by rules, and certain definite directions were not given, as they were not given in the draft before us. Therefore our attitude is to reduce the fee and to delete the proviso.

Mr. ABDUR RAHMAN SIDDIQI: Sir, I had no intention whatsoever of taking part in the discussion on this Bill to-day because so far I am almost an ignoramus regarding its provisions and its various clauses and sections. But an aside mentioned by the honourable and learned doctor compels me to clarify the position of certain other members of this House. Before I do that, I would like to congratulate the learned Doctor on his having risen to the position of the spokesman of his party in order to explain to this House the policy and attitude of the Congress on this Bill. He let fall a sentence in which he said that his party was not prepared to give to the Provincial Government a certain power which might lead them to check and interfere with certain tendencies in the provinces. But if my friend and those, on whose behalf he was speaking, would kindly reconsider their position in regard to this point they will find that there will be room for amity and concord in the country. The Muslim League is particularly anxious that more and more powers be given to the provinces and it is because of this fundamental difference of opinion that our national progress is being handicapped. (Mr. DHIRENDRA NATH DATTA: Is this all relevant?) Secondly, Sir, the idea of opposing these minor——

Dr. NALINAKSHA SANYAL: You will have enough chance to say all these things on other occasions.

Mr. ABDUR RAHMAN SIDDIQI: Sir, I do not want to insinuate and utter sentences to be placed on record for use in the future. I go straight to the nail and hit it direct on the head. It is not a question of Rs. 3, Rs. 5 for me. Every law and every enactment has something like a policy. So far as I understand it is the intention of the promoters of this piece of legislation to check money-lending and not to encourage it and in no case to rehabilitate it by making its licensing very cheap. These vipers, the money-lenders, have been a curse to progress of our rural areas. They have sucked the blood of the peasantry, and therefore any reduction of the licence fee as suggested by the Congress Party appears to be almost inane and puerile. What we, as responsible men, have to do is to see how effectively we can safeguard the interests of the villagers and the poor people in the country. It is surprising to me that the champions of

the peasants and workers are bent upon making things easy so that every man in Bengal, if he so chooses, may become a money-lender by paying a petty 4 anna piece of sq.

Dr. NALINAKSHA SANYAL: The Government proposal is Rs. 5.

Mr. ABDUR RAHMAN SIDDIQI: The motives behind the enunciation of the policy to which we have listened to-day do not help the borrower. I hope the House will not accept these amendments.

Rai HARENDRA NATH CHAUDHURI: I have got an amendment in my name. May I speak, Sir?

Mr. SPEAKER: Yes, please be brief.

The Hon'ble Mr. H. S. SUHRAWARDY: Don't make that an excuse. You have already moved the amendment.

Rai HARENDRA NATH CHAUDHURI: But I have not spoken on the matter and I am only going to put forward one or two arguments in support of my amendment. My honourable friend, Mr. Siddiqi after a long absence has notified his presence and enlivened us with a speech reflecting on the Congress Party's position. He has been pleased to point out what is the Government policy underlying this measure, although he has admitted that he is ignorant about the provisions of the Bill. Before rising to speak, Sir, he could however have availed himself of this opportunity to read at least clause 9A with reference to which the present amendments have been moved. There is a proviso to clause 9A and let me read it out for the edification of Mr. Siddiqi. It runs as follows:—

> "Provided that the Provincial Government may, by notification in the Official Gazette, remit any part of such fee either generally or for any particular class of money-lenders."

The amendment which stands in my name and in the names of some of my friends proposes to delete this proviso altogether. Therefore, does it lie in the mouth of a supporter of this Government to say that the Government policy is to impose such heavy fees as will go to check money-lending business or to deal mercilessly with all classes of money-lenders? Government have announced that in respect of certain classes

of lenders they are going to remit this fee in part and they might even exonerate certain classes of money-lenders altogether. Our apprehension is that this provision of the law may be abused and may lead to invidious distinction between a money-lender and a money-lender.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, we are glad to welcome back in this House Mr. Abdur Rahman Siddiqi after a long absence from us and I hope from time to time we shall have the privilege of hearing him in this House——

Maulvi ABU HOSSAIN SARKAR: It is mutual admiration.

Mr. SPEAKER: It is slightly better than mutual recrimination.

The Hon'ble Mr. H. S. SUHRAWARDY: Regarding the amendment, as has been pointed out already by Mr. Abul Fazl it introduces complications which may necessitate paraphernalia and rules and regulations which we are not prepared to take up. The other amendments which attempt to reduce the fee are hardly worth discussing. Whether it should be Rs. 3, 5 annas and 4 pies, or Re 1-10-8 per year is hardly worth discussing. The Select Committee has fixed Rs. 5 per year, and I see no reason for differing from its judgment in the matter.

The proviso to clause 9A gives some powers to the Provincial Government to exempt particular classes of money-lenders where Government is of opinion that this Rs 5 or any portion thereof should be remitted. It hardly raises the possibility of helping one money-lender against any other money-lender. We had thought earlier in the day that this provision might have been utilised for the widow and fatherless minors about whom the Congress Party moved an amendment yesterday. I am tempted to withdraw my offer if the Congress Party thinks—as it has stated—that the Provincial Government should not possess these powers. We do not propose, however, using these powers except in very rare circumstances or where it is absolutely necessary that we should do so. (Mr SANTOSH KUMAR BASU: Then why not agree to its deletion altogether?)

As regards amendment No. 451 of Mr. Md. Abul Fazl, it is, to say the least, meaningless. I can make no sense out of it and therefore I shall not speak on it. As regards the amendment of Mr. Surendra Nath Biswas that this small fee of Rs. 15 should be made payable by annual instalments as Government think fit, it is not practical.

I therefore oppose all the amendments.

The motion of Maulvi Md. Abul Fazl that in clause 9A, line 2, for the words "a fee of fifteen rupees for a licence issued under this Act," the following be substituted, namely:—

"the following scale of fees for a licence to be issued under this Act—

			Fee.
		Rs.	Rs.
(a)	Money-lending business up to	500	1
(b)	" " " above	500 up to 1,000	2
(c)	" " " above	1,000 up to 2,500	5
(d)	" " " above	2,500 up to 5,000	10
(e)	" " " above	5,000	15

was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 9A, line 2, for the word "fifteen" the word "ten" be substituted, was then put and lost.

The motion of Mr. Harendra Kumar Sur that in clause 9A, line 2, for the word "fifteen" the word "nine" be substituted, was then put and lost.

The motion of Mr. Dhirendra Nath Datta that the proviso to clause 9A be omitted; was then put and lost.

The motion of Mr. Md. Abul Fazl that the following proviso be added to clause 9A, namely:—

"Provided also that such licence fee shall not form part of any cost that the debtor may be required to pay to the creditor."

was then put and lost.

The motion of Mr. Surendra Nath Biswas that in proviso to clause 9A, in line 2, after the word "fee" the words "or make it payable by such annual instalments as they think fit" be inserted, was then put and lost.

Clause 10.

Rai HARENDRA NATH CHAUDHURI: Do we understand, Sir, that amendment No. 457 will be taken up in connection with "commercial transactions"?

Mr. SPEAKER: Yes.

Adjournment.

The House was then adjourned till 4-45 p.m. on Tuesday, the 30th May, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 30th May, 1939, at 4·45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the chair, 9 Hon'ble Ministers and 205 members.

STARRED QUESTIONS

(to which oral answers were given).

*486. **Mr. SPEAKER:** As the Hon'ble the Chief Minister is not here to reply to supplementary questions, this question will be passed over.

Grant for rural reconstruction to Tippera district.

*487. **Maulvi MD. HASANUZZAMAN:** (a) Will the Hon'ble Minister in charge of the Rural Reconstruction Department be pleased to state whether it is a fact that the Government of Bengal recently has sanctioned some amount for every district for rural reconstruction?

(b) If so, whether any amount is going to be sanctioned or has already been sanctioned for the Tippera district?

(c) If the answer to (b) is in the affirmative, will the Government be pleased to state—

(i) the total amount at the disposal of the District Magistrate of Tippera; and

(ii) how much he has allotted for every subdivision, separately?

(d) Is it a fact that no general information is given to all Union Boards of Comilla (Tippera) South subdivision?

(e) If so, are the Government considering the desirability of—

(i) taking necessary steps before final approval; and

(ii) directing the Subdivisional Officer to consult the local M.L.A. of Laksam, Chouddagram police-station, before submission of his suggestion to the District Magistrate?

MINISTER in charge of RURAL RECONSTRUCTION DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) No.

(b) to (e) Strictly speaking, these questions do not arise but as it appears that this whole question, as far as I understand it, is based on some misunderstanding I would like to explain what the position is.

As a part of the general scheme for rural reconstruction the outlines of which I gave in my budget speech, Government decided to set apart a sum of money to be used for expenditure on more urgent small schemes of rural improvement at the discretion of District Officers. To obviate delay, it was decided to adopt the procedure of making grants to augment the discretionary grants of the District Officers towards the cost of small schemes of rural reconstruction selected and recommended by them. The District Officers make their recommendations direct to Government and if Government approve their proposals, grants are made direct to the District Officers. The whole idea is to minimise delay and thus enable District Officers to contribute speedily towards the execution of scheme to fill some urgent local need for improvement. The proposals submitted by District Officers are based either on their own observation during their tours or on the information of their subordinate officers or on applications, verbal or written, by local non-officials. It was not intended that there should be any rigid distribution, subdivision by subdivision or union by union. The principal critieria are urgency, feasibility and popular demand.

I trust that this explanation will give my friend the information he requires. I may add that up to date a sum of Rs. 5,5.5 has been spent in this way on schemes for rural improvement in the Tippera district.

Mr. ATUL KRISHNA GHOSE: With reference to question (c) (ii) will the Hon'ble Minister consider the desirability of instructing the District Officers to consult local M.L.A.'s in order to investigate the matter inasmuch as the Hon'ble Minister has said that urgency, feasibility and popular demand are the criteria?

The Hon'ble Mr. H. S. SUHRAWARDY: I take it that District Officers do investigate this matter and that before sending up their recommendations are satisfied regarding the urgency, feasibility and popular demand.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister enlighten us what is the harm if District officers consult the local M.L.A's., and at least have their views in the matter?

Mr. SPEAKER: But the Assembly sits from January to June. (Laughter.)

Mr. ATUL KRISHNA GHOSE: Sir, my question has not been answered.

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know whether it will be a very advisable thing to do, that, because in some cases the local M.L.A.'s may not be available, and if they have to be consulted, the matter will be held up. Also, the local M.L.A.'s may not choose to attend conferences and give their own opinion on the matter for some time. They have their own preoccupations, and it would be hardly fair for District Officers to hold up the matter until the members were free to give their opinion. I would imagine, Sir, that District Officers, when they go out on tour, are able to see the position for themselves, and so far as Government is concerned, Government not only must rely but does, in fact, rely on the discretion of its local officers.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to say what is the objection on the part of Government to direct District Officers to consult local M.L.A.'s when available? The Hon'ble Minister has said many things, but if there is no obstacle, has Government any objection to instruct District Officers to consult local M.L.A.'s?

The Hon'ble Mr. H. S. SUHRAWARDY: If District Magistrates choose to consult local M.L.A.'s we have no objection, but this is a matter within the discretion of District Officers themselves.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister please state whether Government will lay down any rule by which District Officers will be compelled to consult local M.L.A.'s?

The Hon'ble Mr. H. S. SUHRAWARDY: N

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister please state what are the different items of rural reconstruction work that have had the approval of Government up till now?

The Hon'ble Mr. H. S. SUHRAWARDY: Each locality—I may almost say—each village, or part of a village, has its own problems, and when District Officers go to a village, they consider what would be necessary in order to improve that particular village, and they make recommendations accordingly. Of course, it is quite clear that inasmuch as all these are done by District Officers at their discretion and according to their own observations, or information that they receive or on ascertainment of facts, or on enquiry, nobody can say that there

may not be in some other place another object which may be more worthy of their discretionary grants, but that is an entirely different matter.

Srijut MANINDRA BHUSAN SINHA: Will the Hon'ble Minister be pleased to state whether *charka* and hand-spinning are any items of rural reconstruction work?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: In view of the answer just now given by the Hon'ble Minister, if local M.L.A's. are available and if the discretion of District Officers is not fettered by this sort of instruction,—on that basis will the Hon'ble Minister be pleased to explain what is the objection to issuing instructions to District Officers to consult local M.L.A's. whenever available?

Mr. SPEAKER: That is a hypothetical question.

The Hon'ble Mr. H. S. SUHRAWARDY: I do not propose fettering the discretion of District Officers in any way.

Reconstruction of Debt Settlement Boards in Mymensingh on a representative basis.

*488. **Khan Sahib HAMIDUDDIN AHMED:** (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(i) the dates of the constitution and nomination of the Debt Settlement Boards at Ramdi, Kuharchar and Choysuti within police-station Kuliarchar and at Gazaria and Kalikaprosad within police-station Bhairab in the district of Mymensingh;

(ii) when did the recommendations for nomination to those Boards from local officer reach the Government;

(iii) whether it is a fact that they were sent back to the local officer for inclusion of the name of a Scheduled Castes member in each of them;

(iv) whether in each of those cases one Scheduled Castes member was taken in in place of a Muhammadan; and

(v) whether a dismissed chaukidar belonging to Scheduled Castes has been appointed to be a member?

(b) Is the Hon'ble Minister aware—

(i) that a feeling exists amongst the public of those localities over the constitution of those boards; and

(ii) the progress in the disposal of cases there?

(c) If the answer to (b) is in the affirmative, are the Government considering the desirability of reconstituting these boards?

(d) Will the Hon'ble Minister be pleased to state whether communal representation or representation of different interests is the principle adopted for the appointment of members to the Debt Settlement Boards?

MINISTER in charge of CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (a) (i) Establishment of the boards was gazetted on 16th June, 1938; their personnel was gazetted on 24th November, 1938.

(ii) 14th May, 1938.

(iii) Yes.

(iv) Yes. As these five boards and three boards (8 in all) were established in place of 4 originally constituted boards which were dissolved, and as representations were made to Government for considering the cases of the Scheduled Castes for appointment as members of these new boards inasmuch as Scheduled Castes were present in large numbers in the areas concerned from whom a number of applications came, and further as they could furnish many suitable members who could be entrusted with this duty, the same were sent back for considering if any such member from amongst them could be found, but no suggestion was made as to which member should be replaced by a Scheduled Castes member in case one was eventually appointed.

(v) No.

(b) (i) I am not aware of it.

(ii) Yes. The progress has been fair as could be expected.

(c) Does not arise.

(d) Representation of different interests with a view to secure the greatest amount of public confidence.

Khan Sahib HAMIDUDDIN AHMAD: Will the Hon'ble Minister be pleased to give the names of the Scheduled Caste members of the Ramdi Debt Settlement Board?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I ask for notice, Sir.

Khan Sahib HAMIDUDDIN AHMAD: Will the Hon'ble Minister be pleased to state if it is a fact that in none of these Boards there are more than three Muslim members and that in some cases there are only two Muslim members, although 85 per cent. of the population in the locality are Muslims?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That may be so, but I am not definitely aware of it.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*b*) (*i*), will the Hon'ble Minister be pleased to state what is the remedy when a man who enjoys the greatest amount of public confidence, as stated in answer (*d*), proves to be quite incompetent to discharge the duties of the board?

Mr. SPEAKER: That is a hypothetical question.

Babu KHAGENDRA NATH DAS GUPTA: With reference to answer (*d*), will the Hon'ble Minister be pleased to state whether the "interests" mentioned therein include communal interests?

Mr. SPEAKER: That question does not arise.

Khan Sahib HAMIDUDDIN AHMAD: With reference to answer (*b*) (*i*), will the Hon'ble Minister be pleased to consider the desirability of making an enquiry?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If the honourable member so desires, I shall enquire into it.

Appeals against decisions of Debt Settlement Boards before the Sadar Subdivisional Officer, North Comilla (on leave).

*488. **Mr. RASIK LAL BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay on the table a statement showing for the years 1937, 1938 and 1939—

(*i*) how many appeals from the decisions of the Debt Settlement Boards were filed before the Sadar Subdivisional Officer, North Comilla (now on leave);

(*ii*) how many were heard by him;

(*iii*) how many of the cases referred to in (*ii*) were disposed of by him—

(1) after writing out the judgments, and

(2) without writing out the judgments; and

(*iv*) how many of the appeal cases were by him—

(1) allowed,

(2) dismissed, and

(3) modified?

(*b*) Is the Hon'ble Minister aware that on a search of the residence of the said Subdivisional Officer at Comilla some records of the Debt Settlement Boards were found by the District Magistrate, Tippera?

(*c*) If the answer to clause (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) how many records were found;

(*ii*) the names of the parties;

(*iii*) if the arguments were heard in those cases;

(*iv*) if so, when the arguments were heard, dates to be shown respectively against each case;

(*v*) in how many cases the judgments were given; and

(*vi*) in how many cases the judgments were not given?

(*d*) Have the Government taken any steps regarding the rehearing of those cases where judgments had not been given?

(*e*) What was the number of such cases in which the Government have already taken steps?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK:

		1937.	1938.	1939.
(*a*) (*i*)	...	2	36	10
(*ii*)	...	2	16	2
(*iii*) (1)	...	1	15	1
(2)	...	Nil.	Nil.	Nil.
(*iv*) (1)	...	Nil.	2	Nil.
(2)	...	1	10	1
(3)	...	Nil.	Nil.	Nil.

(*b*) No search was held, but some records were found to be pending in his house at the time when he was going on leave.

(*c*) (*i*) Records of 18 appeals and of 9 miscellaneous petitions.

(*ii*) A statement A is laid on the Library table.

(*iii*) Arguments were heard in 10 appeal cases.

(*iv*) A statement B is laid on the Library table.

(*v*) and (*vi*) Judgments had been given in none of these cases.

(*d*) and (*e*) All these 18 appeals and 9 miscellaneous petitions have since been disposed of.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state who found out the records in his house?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Some officers of the collectorate at the instance of the Collector.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if it is a fact that the District Magistrate himself went to his house and himself found out the records?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry, I am not aware of it.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state what led the officers of the collectorate to go to his house?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It was the house of the Subdivisional Officer and when he went on leave, there were many records kept at his house and all these were to be sent back to office—

Mr. DHIRENDRA NATH DATTA: My question is at whose instance the officers of the collectorat, went to find out the records?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry, I must ask for notice.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state if it is a fact that on that particular date, the officer was not on leave?

Mr. SPEAKER: I am afraid, you have misunderstood the question. The question is about the responsibility of the action.

Mr. DHIRENDRA NATH DATTA: In his answer, the Hon'ble Minister has said that 20 appeals were heard and in 17 cases judgments were delivered, but further down, he has stated that 2 appeals were allowed and 12 appeals were dismissed; that is, 14 appeals. Will the Hon'ble Minister be pleased to state how can he explain the difference between 17 and 14?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry, I am not a mathematician and it is difficult to follow what the honourable member wanted.

Mr. DHIRENDRA NATH DATTA: Since the Hon'ble Minister has taken the responsibility of answering the question, he has to explain this discrepancy.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is very difficult to understand the question.

Mr. SPEAKER: Mr. Datta, what is exactly your question.

Mr. DHIRENDRA NATH DATTA: My question is this: it has been stated in the answer that in all 20 appeals were heard and in 17 cases judgments were delivered; but further down it is stated that in all 2 appeals were allowed and 12 were dismissed, that is, 14 in all. Sir, I want to have an explanation of this apparent discrepancy.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: There is a difference of 3 and these three appeals were transferred to the Special Appellate Officer.

Mr. DHIRENDRA NATH DATTA: In one case, the appeal was filed on the 7th October, 1937; it was not registered and no number was given but the appeal was heard on the 17th November, 1937. There were many other appeals which were heard in July, 1938 and November, 1938; but he went on leave without writing judgment in any of these cases. In view of these facts, will the Hon'ble Minister be pleased to state if Government would consider the desirability of taking any steps against the officer?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That officer has already left and there is no question of taking any steps.

Mr. DHIRENDRA NATH DATTA: Will the——(Mr. Rasik Lal Biswas also rose to speak.)

Mr. SPEAKER: I am afraid, members ought to appreciate that some amount of decorum is necessary when supplementary questions are asked. Mr. Biswas, you had no business to rise up when Mr. Datta was actually on his legs.

Mr. DHIRENDRA NATH DATTA: In view of the facts stated in Statement B that although the officer concerned heard appeals in November, 1937 and July and November, 1938, he went on leave in

April, 1939, without writing out judgments in those cases, will the Hon'ble Minister be pleased to consider the desirability of taking steps against him?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already stated that all these cases have been disposed of——

Mr. SPEAKER: His question is that in view of the inordinate delay in the disposal of these cases, do Government consider it desirable to take any steps against the officer concerned.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If the honourable member so desires, I will draw the attention of the Collector to these matters.

Mr. RASIK LAL BISWAS: মাননীয় মন্ত্রীমহাশয় বলেছেন এই officer এর বিরুদ্ধে কোন step নেওয়া হয় নাই। গভর্ণমেণ্ট এবিষয়ে ভাববাতে যাতে এই রকম কিছু না হয় তার জন্য কি ব্যবস্থা অবলম্বন কোরেছেন মন্ত্রীমহাশয় দয়া করে জানাবেন কি?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The attention of the Collector who is responsible for the administration of this Act in the district will be called to these facts.

Char lands of the Bidyadhari in 24-Parganas.

*490. **Rai Sahib KIRIT BHUSAN DAS:** (a) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware that the *char* lands of the Bidyadhari in the 24-Parganas were leased out?

(b) If so, were those lands leased out by public auction or by private arrangement?

(c) Is the Hon'ble Minister aware that—

(i) the lessees of the *char* lands are constructing bunds and preventing the water of the Bidyadhari to spill in that area; and

(ii) that the Government are allowing the neighbouring landlords to occupy some *char* lands of the Bidyadhari and to construct bunds to prevent the water of the river to spill in those places?

(d) If the answers to (c) are in the affirmative, is the Hon'ble Minister considering the desirability of taking steps to remove those obstructions in these *char* lands?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (The Hon'ble Maharaja Srischandra Nandy, of Cossimbazar: (*a*) and (*b*) A portion of the *char* land measuring a little more than 41 *bighas* on the right side of the Bidyadhari known as Bansra *char* has been settled with one Sheikh Qudrat Mia in terms of the compromise in connection with the Bansra *char* case. Another portion measuring about 265 *bighas* the accreted land on the Bidyadhari from Boyerghata to Boyernalla has been leased out by private arrangement.

(*c*) Under the terms of the agreement the tenant of the 41 *bigha* portion constructed a bund round the land settled with him. The other tenant has not been permitted to raise any bund. No other persons have been allowed to occupy any *char* land or to construct bunds. The Bidyadhari has not spilled over the acquired spill areas for a long time.

(*d*) Under the terms of the agreement the bund constructed by the first party will have to be retained.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state why the tenancy of 265 *bighas* of land was not given by auction but by private arrangement?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I stated in my reply yesterday that my honourable friend Mr. Rasik Lal Biswas referred to this particular auction which was undertaken by Messrs. Mackenzie Lyall & Co., on the 15th March, 1938. But as no bidder was forthcoming, Government had to settle it with this party.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state if it is a fact that when the sale was held, there were bidders, but they were sent away saying that there would be no sale?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have said I have no other information than that Messrs. Mackenzie Lyall & Co., who were put in charge of the bid reported that no bidder was forthcoming.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether Government will lease out these lands in future by public auction and not by private arrangement?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As it will appear from every case that attempt was made to settle by public auction in the first instance. Certainly that is the usual procedure and there is no intention to depart from it.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state if it is a fact that the neighbouring landlords there encroached upon the Bidyadhari *char* land and a very large number of them are constructing bunds?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I have no information.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to enquire into the matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I shall enquire into the matter if the honourable member will furnish me with further facts.

Retention of the directors or members of the committee of management of certain co-operative societies for a period exceeding 3 years.

*491. **Mr. HARENDRA NATH DOLUI:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay on the table a statement showing for the following societies and on the dates as noted against each:—

(1) Bengal-Nagpur Railway Employees' Urban Co-operative Bank—31st December, 1935;

(2) Bankura Central Co-operative Bank—31st December, 1935;

(3) Hughli Central Co-operative Bank—30th June, 1936;

(4) Chatra Co-operative Society—30th June, 1936;

(5) Chatra-Serampore Co-operative Credit Society—30th June, 1936;

(6) Serampore Co-operative Society—31st March, 1937;

(7) Chandpur Town Co-operative Bank—31st March, 1937;

(8) Baraset Government Employees' Co-operative Society—31st March, 1937;

(9) Bidyadhari-Spill Area Fishermen's Co-operative Society—31st January, 1939;

(10) Calcutta Co-operative Milk Societies' Union—31st January, 1939; and

(11) Bengal Provincial Co-operative Bank—31st January, 1939;

(*i*) names of the directors or members of the committee of management who had been retained as such beyond three years noting the excess period against each individual; and

(ii) existence or absence of sanction by the Registrar for such extension in terms of rule 13 of the rules under the Act, and the General Circulars 3 of 1925 and 5 of 1931?

MINISTER in charge of CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. MUKUNDA BEHARY MULLICK): A statement is laid on the Library table.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the reason for extending the period of Babu Sasanka Sekhar Banerji of Bankura Central Co-operative Bank by ten years?

Mr. SPEAKER: I am afraid, Dr. Sanyal, you will realise that this is a statistical matter and I hope you will not ask questions about everybody.

Dr. NALINAKSHA SANYAL: The question is not a statistical question. The question was avoided by drawing attention to a statement laid on the library table and I see the Hon'ble Minister has a particular knack of doing this.

Mr. SPEAKER: When it is a question involving so many things you cannot ask for details except on one or two points which are very important. I will not disallow one or two such questions.

Dr. NALINAKSHA SANYAL: The question definitely refers to certain names of persons whose terms have been extended without the sanction of the department.

Mr. SPEAKER: That is not the question.

Dr. NALINAKSHA SANYAL: Yes; that is a part of the question. Rule 13 of the rules states about sanction. The question is 11 (i) names of the directors and 11 (ii) existence or absence of sanction by the Registrar.

Mr. SPEAKER: Two, I think, is only about the Bengal Provincial Co-operative Bank.

Dr. NALINAKSHA SANYAL: No, Sir. As a matter of fact if you will read the first part and the last paragraph of the question you will see that they go together and the intermediate portion of it is the list for which the information is required.

Mr. SPEAKER: You cannot expect that every detail will be given. You can ask specific questions. You can very well understand that it is not possible to give details of all these things together. You must ask relevant questions.

Dr. NALINAKSHA SANYAL: That is for your department to examine whether they are relevant of not. There is only one question so far as we are concerned, namely, whether on a certain condition the Registrar had or had not given sanction for extension of the terms of certain persons.

Mr. SPEAKER: You can ask generally.

Dr. NALINAKSHA SANYAL: If I have got to go to reasons, a general question will not do.

Mr. SPEAKER: Let us see how things go on. You may ask your questions.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with reference to the statement laid on the library table the reason for the Registrar sanctioning the extension of the period of Babu Sasanka Sekhar Banerji by ten years?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The Registrar brought into the notice of the Bank concerned that this man should not be allowed to continue. There was a protest by the District Magistrate and the Central Bank that it would be difficult for the Bank to function without Babu Sasanka Sekhar Banerji. This state of things went on but he has now been debarred from election.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that the three years' rule cannot be applied generally on all time-barred directors, particularly on a large body of official chairmen of the central banks and urban banks, as also chairman and Secretary of a village society on account of dearth of suitable men in rural areas, and that is why it has been difficult for the Registrar to apply the rule in all cases?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: This is exactly the principle or on consideration of which this has been done.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the reason for extending the services of Babu Jogendra Lal Chowdhury?

Mr. SPEAKER: I am afraid, I must disallow this question. This is absolutely a general question of a varying character and if you go through the statistics of every individual like that, it cannot be allowed. Of course I may allow one or two cases where there is grave abuse.

Dr. NALINAKSHA SANYAL: Do you think that 10 years' extension is not a grave abuse?

Mr. SPEAKER: You can name the case of certain persons, certain societies, where extensions have been granted for so many periods. You can ask a general question.

Dr. NALINAKSHA SANYAL: The purpose of my question is to elicit information about the grounds on which certain patronage was extended by the Registrar with regard to individual persons

The rule definitely is that three years' limit ordinarily is to be applied, but there is discrimination made and when discrimination has been brought to our notice, we would like to be satisfied that this discrimination has been made on administrative grounds.

Mr. SPEAKER: I will disallow any question about reasons. You may ask questions on any other points. You will see that throughout the reason why has not been asked.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government thought fit to extend the services of Jogendra Lal Chowdhury, because he has been a pet of the Registrar?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is aware that there are a number of cases particularly of Babu Jogendra Lal Chowdhury of Hooghly Central Co-operative Bank, of Babu Nanda Gopal Sandell, Babu Satish Chandra Roy Chowdhury, Babu Santosh Kumar Chatterji, Babu Jogeswar Chatterji and Babu Jogendra Nath Mukherjee of Chatra-Serampore Co-operative Society, who were permitted to continue for more than 8 years in excess of the permissible period under the rules?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The excess period is shown on the table.

Dr. NALINAKSHA SANYAL: That is exactly the reply that I apprehended. You rule me out because a statement is laid on the table. I seek your protection, Sir.

Will the Hon'ble Minister be pleased to state on what consideration these gentlemen were permitted to continue for more than the permissible period?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Each case is judged on its own merits. So far as Babu Jogendra Lal Chowdhury is concerned, I can tell the honourable member that he is the biggest depositor of the bank and without him the District Magistrate, who is the Chairman, maintains, the bank will not function.

Dr. NALINAKSHA SANYAL: So the Hon'ble Minister himself thinks that there are specific reasons for each individual, and so general questions cannot be helpful.

Mr. SPEAKER: The question cannot be utilised for asking about the entire administration in 11 places. It must be specific. I allowed this question on the specific ground that the tendency of this question was to find out as to whether a certain rule was observed or not generally, and certain statistics have been given. You know, Dr. Sanyal, very well that under the rules a question should be specific.

Dr. NALINAKSHA SANYAL: I submit, Sir, that it is extremely difficult for us to understand how to frame our questions within the various limits that you have been pleased to explain sometimes within the rules and sometimes without the rules. Sir, if we ask specific questions about particular individuals, you at once come down and say "I will not allow names of individuals being dragged in and their reputation——

Mr. SPEAKER: I have to see that the right of question is not abused.

Dr. NALINAKSHA SANYAL: How then can we try to examine the action of Government in the different departments concerning patronage unless we are allowed to enquire into individual cases?

Mr. SPEAKER: Dr. Sanyal, I think you know how best to do it.

Dr. NALINAKSHA SANYAL: I know this much that in no other Parliament this kind of interference is permissible.

Mr. SPEAKER: I may say Dr. Sanyal, in no other Parliament is the question hour abused in the way in which you do it.

Mr. ATUL KRISHNA GHOSE: I submit, Sir, that if you wish to see that the members of this House do not misuse their right of

questions, it is also incumbent upon you to see that the Hon'ble Ministers of Government do not misuse the existing rules and regulations. If they go beyond the rules and regulations, certainly members of this House have got the right to put supplementary questions and when such supplementary questions are put, if any Hon'ble Minister gives some reply which requires further supplementary questions, will you protect us or will you debar us in that case?

Mr. SPEAKER: You remember, Mr. Ghose, I had to say something to the Hon'ble Mr. Mullick the other day.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the Registrar gave sanction to the continuance of certain gentlemen on the Boards of Directors of the Serampore Co-operative Society, the Chatra-Serampore Co-operative Society and the Hooghly Central Co-operative Bank during the year 1936-37 when the Registrar was in possession of the fact that these Societies were not being run properly?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am not aware of it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if his Department was aware during the year 1936-37 of any cases of maladministration or complaints about these Societies?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Not that I am aware of.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware (and he has already made a statement the other day to that effect) that a special enquiry was made with regard to the Hooghly Central Co-operative Bank in the year 1936 by Mr. Porter?

Mr. SPEAKER: The Hon'ble Minister says that he is not aware of any complaints of maladministration.

Dr. NALINAKSHA SANYAL: A special enquiry was made and he knows it, Sir.

Mr. SPEAKER: Does it arise out of this question?

Dr. NALINAKSHA SANYAL: Yes, Sir. He gave a reply that Mr. Porter's enquiry related to that.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Mr. Porter's enquiry was held to find out the financial conditions of all the Central Banks and not this Central Bank alone.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the Hooghly Central Co-operative Bank was one of the banks against which a report was given by Mr. Porter as a bank not being run on solvent lines?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not think so.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that the 3-year rule is against the recognized principles of all democratic institutions?

Mr. SPEAKER: That question does not arise.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that this three-year rule does not exist in any other Province relating to Co-operative Societies?

Mr. SPEAKER: That question does not arise.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware of that?

Mr. SPEAKER: That question does not arise.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that this three-year rule has been the cause of malpractices in the administration of Co-operative Societies in Bengal?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That may be so in some cases.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that in the case of many Co-operative Societies some members are indispensable for their good administration?

Mr. SPEAKER: That question does not arise here.

Dr. NALINAKSHA SANYAL: With regard to the Calcutta Co-operative Milk Societies Union, Ltd., is the Hon'ble Minister aware that there has been extension of the period of certain gentlemen including one M.L.A.—periods much beyond the permissible limit of 3 years? Even six and seven years have been permitted?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Not in the list given here. I have given the names of six gentlemen on the Directorate out of a total of 17 and I do not find any M.L.A. there.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the Board of Directors cannot function properly with the application that is required if extensions are given right up to the end of 1945 and 1946?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am so sorry that I cannot follow the honourable members's question.

Dr. NALINAKSHA SANYAL: The statement says that from 31st January, 1939, for the coming seven years certain gentlemen have been given extensions, not extensions for past services but for future also. I just put this question whether Government consider that this sort of extension does not help in the proper administration by the Board of Directors inasmuch as they have little interest in seeing that they are doing good work.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am afraid the honourable member is not quite correct, for the date shown in the third column of the statement is the date given by the honourable member who has put this question and on this date we have shown the period by which the individual members exceeded the ordinary 3-year rule.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when the excess period of seven years will expire with reference to the gentlemen mentioned under "Calcutta Co-operative Milk Societies Union"? If, as you have explained, that 31st January, 1939, is actually the date on which they exceed the first three years' limit, then naturally——

Mr. SPEAKER: I think that you have misunderstood the date. The position is that on 31st January, 1939, the period which is given shows the period of time during which they have been in office beyond the limit.

Dr. NALINAKSHA SANYAL: The statement runs thus: "exceeded three years on 31st January, 1939", so that the first three years period expired on 31st January, 1939, and the excess period for which they have been permitted to continue is seven years.

Mr. SPEAKER: 31st January, 1939, is the date on which they were continuing beyond three years for a period of seven years.

Dr. NALINAKSHA SANYAL: "Exceeded three years on 31st January, 1939" is the language used.

Mr. SPEAKER: Exceeded three years on 31st January, 1939, by seven years.

Dr. NALINAKSHA SANYAL: Sir, there are different dates. In some of these cases, the period exceeded three years on 31st December, 1935, in some on 30th June, 1936; in others on 30th March, 1937 and 31st March, 1937. The statement shows for each class of Directors the dates when they exceeded their first three years' limit If all these periods referred to a certain date on which the question was received and the replies were collected, I would have understood that. Then the first series of dates would not have been necessary.

Will the Hon'ble Minister be pleased to state if Babu Sasanka Sekhar Banerji is still continuing as a Director of the Bankura Central Co-operative Bank?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I think I have answered the question by saying that he has been debarred from contesting in the next election.

Dr. NALINAKSHA SANYAL: Sir, I want to know whether he is still now on the Directorate.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not sure of that; I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Babu Jogendra Lal Chaudhuri is still continuing as a Director of the Hooghly Central Co-operative Bank?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state for how many years now this gentleman, Babu Jogendra Lal Chaudhuri, has been working as Director of the Hooghly Central Co-operative Bank—the total period of his functioning as such?

Mr. SPEAKER: The only conclusion of your questions is that it should be bifurcated. There has simply been a multiplicity of questions.

Dr. NALINAKSHA SANYAL: That has been so, Sir, because Government themselves do not know what this table means. Let them come forward and say that they have no explanation to offer.

UNSTARRED QUESTIONS.

(answers to which were laid on the table)

Activities of Debt Settlement Boards of Basirhat, 24-Parganas.

228. Khan Bahadur A. F. M. ABDUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay on the table a statement showing, separately—

(*i*) the total number of Debt Settlement Boards functioning in the subdivision of Basirhat in the district of 24-Parganas;

(*ii*) their names; and

(*iii*) area of operation?

(*b*) Will the Hon'ble Minister be pleased to state when Debt Settlement Boards will be established in the rest of the subdivision?

(*c*) How many proposals are pending before Government for the establishment of Debt Settlement Boards and for which places?

(*d*) How the agriculturists are meeting their crop requirements in the subdivision where the Debt Settlement Boards have been established?

(*e*) What arrangements, if any, are the Government proposing to take for punctual payment of the instalments of the dues fixed by the Debt Settlement Boards?

(*f*) What steps do the Government intend taking to provide for facilities to the agriculturists—

(*i*) to meet their crop requirements; and

(*ii*) to increase the sources of their income?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) A statement will be laid on the table.

(*b*) As and when proposals are received from the local officers.

(*c*) None.

(*d*) I have no information.

(*e*) No special arrangements are required; the hon'ble member's attention is invited to sections 28 and 29 of the Bengal Agricultural Debtors Act.

(*f*) (*i*) The hon'ble member is referred to the reply I gave in the Assembly on the 15th March, 1939, to the discussion raised about the supply of "Rural Credit" in connection with my demand under head "42—Co-operation".

(*ii*) Government intend to encourage the adoption of subsidiary occupation.

Statement referred to in the reply to clause (a) of unstarred question No. 228.

Names of Debt-Settlement Boards.	Area of operation.
(1) Charghat (police-station Sarupnagar).	Charghat and Sagura Unions.
(2) Dhanyakuria (police-station Basirhat).	Dhanyakuria and Chaita Unions.
(3) Haroa (police-station Haroa) ..	Haroa Union.
(4) Raghunathpore (police-station Baduria).	Raghunathpore and Jadurhati Unions and Baduria Municipality.
(5) Rameswarpore (police-station Hasnabad).	Rameswarpore Union.
(6) Sarupnagore (police-station Sarupnagore).	Sarupnagore Union.
(7) Basirhat (Special) ..	Basirhat subdivision.
(8) Hingulganj ..	Hingulganj and Bishpur Unions.
(9) Chatra ..	Chatra-Chandipur, Ramchandrapur and Atghara Unions.
(10) Bithari ..	Bitheri-Boyerghata and Gobindapur Unions.
(11) Bankra ..	Bankra Union.
(12) Sangrampur ..	Itinda and Sangrampur-Shibhati Unions.
(13) Ghorarash .	Champapukur and Ghorarash Unions.
(14) Bajitpur-Sayestanagar ..	Bajitpur and Sayestanagar Unions.
(15) Basirhat ..	Pifa and Sankchura Unions and Basirhat Municipality.
(16) Bhebia ..	Bhebia and Amlani Unions.

Alleged complaints against nursing system of the Calcutta Medical College Hospitals.

228. **Mr. RASIK LAL BISWAS:** (a) Has the attention of the Hon'ble Minister in charge of the Public Health and Medical Department as also of the Superintendent of the Calcutta Medical College Hospitals been drawn to certain complaints against the nursing system obtaining in the Calcutta Medical College Hospitals?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) whether any enquiry has been made by any responsible person regarding the system to which attention has been drawn; and

(ii) what other steps, if any, have been taken in the matter?

MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) Yes. Complaints have been received from time to time against the present system which is not free from defects.

(*b*) No specific enquiry has been recently made into the system but the whole question of the general improvement of nursing in State Hospitals is receiving my consideration.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় দয়া ক'রে ব'লবেন, আমি যে একটা complaint ক'রে পাঠিয়েছিলাম মন্ত্রীমহাশয়ের কাছে সেটা তিনি পেয়েছেন কি?

The Hon'ble Mr. TAMIZUDDIN KHAN: My honourable friend asked another question on that matter in another session and that question was fully answered.

Mr. RASIK LAL BISWAS: নার্সদের সম্বন্ধে যে সমস্ত অভিযোগ গভর্ণমেণ্টের কাছে আনা হো'য়েছে সেই সমস্ত অভিযোগ দূরীভূত করবার জন্য কি বিশেষ ব্যবস্থা করা হো'য়েছে, মন্ত্রীমহাশয় জানাবেন কি?

The Hon'ble Mr. TAMIZUDDIN KHAN: Here the question was about the system. I do not know if my friend is asking a question about any specific complaints against the nurses.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that in view of so many complaints coming from time to time as admitted by the Hon'ble Minister in his reply, an enquiry was essentially necessary; and what was the reason for not instituting an enquiry into the matter up till now?

The Hon'ble Mr. TAMIZUDDIN KHAN: So far as the system is concerned, Government admits that there are various defects and that the whole matter is still under the consideration of Government.

Mr. ATUL KRISHNA GHOSE: While admitting the defects, what is the reason for not instituting an enquiry?

Mr. SPEAKER: He has said that it is still under consideration.

Mr. RASIK LAL BISWAS: মন্ত্রী মহাশয় দয়া ক'রে জানাবেন কি তিনি যে সমস্ত অভিযোগ পেয়েছেন, তা কি রকম nature এর অভিযোগ?

The Hon'ble Mr. TAMIZUDDIN KHAN: Some complaints were of vague nature and some of a general nature, some were about ill-treatment by the nurses, and so on and so forth.

Mr. ATUL KRISHNA GHOSE: Is it not proper to make an enquiry into the matter, particularly when a member of this House brings a complaint to the Hon'ble Minister of the Department concerned and to the Principal of the College?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Sir, the Hon'ble Minister says that if there is a specific complaint lodged by any honourable member of the House to the Minister—

Mr. SPEAKER: That has been answered.

Mr. RASIK LAL BISWAS: মন্ত্রীমহাশয় জবাবে বলেছেন no specific enquiry has been recently made এই সমস্ত গুরুতর গুরুতর অভিযোগ হোয়েছে তার সম্বন্ধে enquiry হয় নাই কি জন্য জানাবেন কি?

The Hon'ble Mr. TAMIZUDDIN KHAN: Some of the specific complaints were enquired into. My honourable friend made various complaints. Those that were of a specific character were enquired into, and the honourable member was informed about the result of the enquiry.

Introduction of Bengal (Rural) Free Primary Education Act in Tippera.

230. Maulvi MD. HASHNUZZAMAN: (*a*) will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Bengal (Rural) Free Primary Act is in force in the Tippera district?

(*b*) If so, will the Hon'ble Minister be pleased to lay on the table a statement showing the names of free primary schools established at Laksam and Chouddagram police-stations?

(*c*) Is it in the contemplation of Government to establish separate primary schools for girls?

(*d*) If so, will the Hon'ble Minister be pleased to state how will the cost of construction of girls' school building be met?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) A statement is laid on the table.

(*c*) and (*d*) The question is under consideration.

Statement referred to in the reply to clause (b) of unstarred question No. 230, showing names of free primary schools established in Laksam and Chouddagram police-stations, district Tippera.

Chouddagram.

(1) Chouddagram attached to High English School.
(2) Mayura attached to High English School.
(3) Miabazar attached to Middle English School.
(4) Kashimpur attached to Middle English School.
(5) Salakandi attached to Middle English School.
(6) Batisha attached to Middle English School.
(7) Payerkhola attached to Middle English School.
(8) Sondail attached to Middle English School.

Laksam.

(1) Bagmara attached to Junior Madrassah.
(2) Harischar attached to Middle English School.
(3) Haripur attached to Junior Madrassah.
(4) Chandipur attached to Junior Madrassah.
(5) Alinakipur attached to Middle English School.
(6) Natherpetua attached to Middle English School.
(7) Paschimgaon attached to High English School.
(8) Shaktali attached to Junior Madrassah.
(9) Sanicho.
(10) Burchi Chhota Sharifpur.
(11) Batabaria.
(12) Uttarhowla.
(13) Taherpur.
(14) Sahapur.
(15) Gaiorbhanga.
(16) Monoharpur.

Damage caused by fire at Shahalampur in Rangpur.

231. Mr. SHAH ABDUR RAUF: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that on the 6th April a fire broke out in a jungle near village Shahalampur in Union No. 12 police-station Mithapukur, district Rangpur;

(*ii*) that the whole village Shahalampur was burnt to ashes; and

(*iii*) that about 100 persons including children have been made homeless?

(*b*) If the answer to (*a*) is in the affirmative will the Hon'ble Minister be pleased to state what steps, if any, have been taken by the Government to mitigate the sufferings of the victims?

(*c*) If the answer to (*a*) is in the negative, does the Hon'ble Minister contemplate to make an immediate enquiry into the matter?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) It is a fact.

(*ii*) 21 houses containing 70 huts were burnt to ashes.

(*iii*) About 80 persons in 21 families were rendered homeless.

(*b*) Government have sanctioned Rs. 210 as gratuitous relief for the present.

(*c*) Does not arise.

Date of closing Dacca Mitford Medical School during Christmas.

232. Maulvi JONAB ALI MAJUMDAR: (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state on what date the Dacca Mitford Medical School is generally closed for Christmas holidays?

(*b*) Will the Hon'ble Minister be pleased to state the reasons why the said school was closed for the last Christmas holidays on the 21st December, 1938, *i.e.*, two days earlier than other Government institutions?

The Hon'ble Mr. TAMIZUDDIN KHAN: Under rule 12 of the Rules for the Management of Government Medical Schools these institutions close for 12 days for the Christian holidays. The Dacca Medical School was accordingly closed on the 21st December, 1938, as in other years.

Appointments under Co-operative Department.

233. Maulvi ABDUL HAMID SHAH: (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(i) the number of appointments made in each of the cadres of services in the department during the period from the 24th August to 15th February last; and

(ii) how many of the appointed persons are—

(1) Muhammadans,

(2) Scheduled Castes, and

(3) Caste Hindus?

(b) Will the Hon'ble Minister be pleased to state the number of vacancies which have remained unfilled in each of the cadres of the services in the department owing to the delay in the decision of the percentage question arising out of the resolution carried in the Assembly in its August session last year?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (a) (i) 6 typists.

(ii) (1) Muhammadans 3.

(2) Scheduled Castes 1.

(3) Caste Hindus 2

(b) Nil.

Sum made over to the Registrar of Co-operative Societies for improving the realisation of advances made to certain Co-operative Societies.

234. Mr. SATYAPRIYA BANERJEE: (a) Is the Hon'ble Minister in charge of the Co-operative Credit Department aware that Rs. 10,000 or any other sum is made over to the Registrar, Co-operative Societies, Bengal, by the Bengal Provincial Co-operative Bank, Ltd., for improving the realisation of the advances made by the bank to certain co-operative societies or class of societies?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) under what appropriate head is the receipt shown in the Budget; and

(ii) whether any extra staff is maintained by the Registrar out of this grant?

(c) If the answer to (b) (ii) is in the affirmative, what was the total amount spent for such maintenance in each of the six years 1933-1938?

(d) Will the Hon'ble Minister be pleased to state—

(i) whether any reference is made to the utilisation of this fund in the annual report issued by the departments; and

(ii) whether there is regular audit of this fund by the Government auditor?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (a) No sum of money is made over to the Registrar.

(b) (i) Does not arise.

(ii) No; the extra staff is maintained by the Central Banks.

(c) The amount spent in the last six years is as follows:—

	Rs.	a.	p.
1933	4,394	4	0
1934	1,648	1	0
1935	9,439	3	9
1936	2,449	7	3
1937	7,641	13	9
1938	3,941	7	9

(i) No.

(ii) Yes.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if it is not a fact that certain Central Banks were in difficulty for maintaining an adequate staff for collection and improve their financial condition thereby?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is for that purpose that this sum has been allotted by the Provincial Bank.

Maulvi ABDUL BARI: Is it a fact that this help to the Central Banks has also increased the cash profit of the Provincial Bank?

Mr. SPEAKER: I am afraid you are giving out all the information by asking this question. You ought to put it in such a manner as to elicit some information from the Hon'ble Minister.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if this help has or has not increased the cash profit of the Provincial Bank?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It has increased their collections but as regards their making any profit, I am not in a position to say anything definitely.

Adjournment motion.

Maulvi ABU HOSSAIN SARKAR: Sir, I have given notice of an adjournment motion to-day.

Mr. SPEAKER: Have you got my consent?

Maulvi ABU HOSSAIN SARKAR: No, Sir; I did not get your consent.

Dr. NALINAKSHA SANYAL: May I have your permission, Sir, to explain the position on behalf of Mr. Abu Hossain Sarkar?

Mr. SPEAKER: May I know when you have been appointed the Advocate-General of the members of this House? (Laughter.)

Dr. NALINAKSHA SANYAL: I understand this adjournment motion is on a very urgent matter of public importance, but the urgency of it will be gone on the next day when the Assembly meets, there being no sitting to-morrow and the day after.

Mr. SPEAKER: But I got the notice of the adjournment motion only 15 minutes before the Assembly met to-day.

Dr. NALINAKSHA SANYAL: Sir, the matter came to our notice only a few hours before, and as soon as it came to our notice, we telephoned to the Secretary.

Mr. SPEAKER: But I have had no time to go through it.

Dr. NALINAKSHA SANYAL: In that case, I appeal to you, Sir, to waive the question of urgency.

Mr. SPEAKER: Oh, yes. So long as the notice has been given, members may rest assured that I am the last person to be bound to stick to any technical point.

Message from the Bengal Legislative Council.

The Secretary then read the following message received from the Secretary, Bengal Legislative Council—

The Council at its meeting held on the 18th of May, 1939, have agreed to the amendments made by the Assembly to the Bengal Rural Poor and Unemployed Relief Bill, 1939.

GOVERNMENT BILL.

Bengal Money-Lenders' Bill.

Mr. SPEAKER: We shall now take up the Bengal Money-Lenders Bill. Honourable members will kindly notice that about commercial loans only two amendments have been given notice of by Government. I understand that, along with these, Government propose to give notice of another amendment to clause 37, which has already been typed, and it will be circulated to honourable members in about 15 to 20 minutes. When clause 37 is taken up, that amendment also will be taken up. That will give an idea of the Government's intention not only with reference to commercial loans but also with regard to clause 37. I, therefore, propose that these amendments about commercial loans will be taken up at 7 p.m. to-day, i.e., immediately after the recess.

Mr. DHIRENDRA NATH DATTA: In view of the new amendments of Government, will you please postpone discussion, Sir?

Mr. SPEAKER: Mr. Datta, please don't bring in further complications. We have already had enough.

Mr. DHIRENDRA NATH DATTA: Sir, the complications are already there and cannot be avoided.

Clause 12.

Mr. SPEAKER: We shall now proceed to consider clause 12. There are, however, no Government amendments to this clause.

Mr. SHAMSDALI: Mr. Speaker, Sir, I beg to move that in clause 12 (3), lines 3 and 4, the following words be omitted namely:—

"if the money-lender pays the penalty within such period, the Court shall proceed to hear the suit."

In my opinion, Sir, this clause is absolutely unnecessary.

Mr. SPEAKER: There are two new amendments, viz., No. 17 and No. 18, standing in the name of Babu Shyama Prosad Barman. Does Mr. Barman want to move them?

(New amendments Nos. 17 and 18 were not moved.)

The Hon'ble Mr. H. S. SUHRAWARDY: I am sorry, Sir, I have to oppose the amendment moved by Mr. Shahedali.

The motion of Mr. Shahedali that in clause 12 (3), lines 3 and 4, the following words be omitted, namely:—

"if the money-lender pays the penalty with such period, the Court shall proceed to hear the suit",

was then put and lost.

Mr. SPEAKER: That disposes of clause 12, and we shall now take up clause 12A.

Clause 12A.

Mr. P. BANERJI: Sir, I beg to move that clause 12A (1) (b) be omitted.

Sir, in doing so I must say that this clause is absolutely unnecessary and mischievous. Government, Sir, has given a long list of offences in the schedule——

Mr. SPEAKER: Mr. Banerji, will you wait half a minute? I want to know whether any other amendment will be moved under this clause.

Mr. P. BANERJI: Certainly, Sir.

Mr. SPEAKER: If any member wishes to move his amendment under clause 12A, he should move it now formally, reserving his speech till such time as the clause is open to discussion.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir I beg formally to move that in clause 12A (2), lines 6 and 7, the words "or to the time which has elapsed since the conviction and to the nature of the offence" be omitted.

It is a consequential amendment, because this will follow as a matter of course from the amendment just now moved by Mr. P. Banerji. I, therefore, do not think that any speech is necessary.

Mr. SPEAKER: Mr. Banerji, will you now proceed with your speech?

Mr. P. BANERJI: As I was saying, Sir, this clause is unnecessary and mischievous. It is proposed that a long list of offences under various sections of the Indian Penal Code should disqualify a person from being a money-lender.

Now, Sir, I do not grudge the exclusion of robbers, dacoits, and murderers, as these persons will always have their own way. But, Sir, I do not find any justification whatsoever for penalizing persons, who may have committed certain offences, for all time to come; there is absolutely no reason whatsoever why such persons should be debarred from being even a money-lender. I consider this to be a short-sighted policy of Government, and we have noticed, so far as this short-sighted policy is concerned, that ordinary criminals, who otherwise would have have been peaceful citizens, have been turned into hardened criminals. I consider, Sir, that these persons have just as much right to live and earn a living in society as any other person. Therefore, Sir, I fail to understand why they should be debarred from earning their livelihood by legitimate means.

Sir, there are many sections of the Indian Penal Code relating to various offences, but I consider that, so far as some particular sections are concerned, viz., sections 403 and 404, which relate to criminal misappropriation of property, section 405, which relates to criminal breach of trust, section 407, which relates to criminal breach of trust by carrier, etc., sections 411 to 414, which relate to dishonestly receiving stolen property, people convicted under them should not be excluded.

Sir, I can cite many cases where the zemindars often launch criminal cases against their officers when they find that their officers want to give up their services for better prospects or for any other reason.

It is usually found that these zemindars at once start cases of criminal breach of trust and in most cases, these people coming from outside and not being residents of that locality, cannot defend themselves and being poor they cannot fight the zemindars in the law court which means a lot of money. As a result, many cases go undefended and you know what is the result of the cases which go undefended.

Then again, if we come to section 407, we find criminal breach of trust by carriers or warehouse keepers—it is well-known what happens in cases where persons keep their goods in warehouses for sale, for instance, in the Beliaghata *Aruti*. In many cases they leave the place and do not sell the goods and the rent that is to be paid by such persons accumulates. The owners of such warehouses have in many cases to take protection of the court. By that time another cross case is started that their goods have been pilfered. In such cases all sorts of complications arise.

Then again, we come to sections 411 to 414 where we find that almost all goldsmiths not only in Calcutta but also in other places purchase goods believing them to be bona fide goods; they do not know at the time of the purchase, and it is not possible for them to know, that they are stolen properties; and, as a result, in many cases such persons in their honest transactions—honestly believing that the goods they were purchasing were not stolen property—are hauled up before the court. In many such cases police officers can secure evidence of persons who are the supporters of police. They also can secure evidence by confession of certain persons who are often thieves, and so it is not difficult for the police to get them convicted. Therefore, Sir, in such cases it will be very hard on such persons if they are debarred from taking out the license. I fail to understand why a person having such conviction will be debarred. They may in taking up money-lending business turn out to be better men than those who are not so convicted. Then, Sir, in the countryside money at the present time on account of so many enactments has been very shy and it will be very scarce if money-lending is restricted. Now, Sir, by this Act is I may say so, the major portion, say 90 per cent of the people in the country who have got a small surplus to lend to their neighbours will be debarred from helping their neighbours, because the business will not be paying after taking out a license at a cost of Rs. 15 and keeping an establishment and other paraphernalia which have been provided for in the subsequent sections. So, practically the Government, by passing this measure, will shut out the rural credit, whatever little of which is still left. That being the case, I could have understood Government, like England, making certain provision for small loans like the Pawn Brokers' Act of England. When that is not here, Government should not make any restriction whatsoever in this sphere. But the Government do not do that and thus money-lending will be practically stopped in the countryside and the few that will start money-lending as a profession will also be reluctant to go through the different processes that have been laid down in the Bill. The result will be that the object of the Bill will be absolutely frustrated and money-lenders will devise other means to evade the law. Foreign money-lenders will pour in and exort interest from poor people. Government may say that there is clause 19 (a) (ii) where they have made a provision in their generosity that they will remove the disqualification referred to in sub-section (1). Of course it is within the competence of the Government to do so but we know from experience what happens to such persons. Government always depend almost entirely on the man on the spot. They depend on the police officers under whose guidance, I may say without fear of contradiction, criminals thrive. Therefore, everyone knows how it will work. The result will be that it will increase bribery and corruption because no officer will report unless some arrangement is made with him. So it will be very hard on those persons who want to work honestly the

business of money-lending. They will naturally be debarred while other persons in the good book of the Police and also those who want to make arrangement with the Police will be able to carry on this business. Therefore, I would suggest that there is no point whatsoever in making a provision like this that persons convicted of offences will not be allowed to earn an honest living by lending their own money. With these words, I commend my motion to the acceptance of the House.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, Mr. Banerji has made a very powerful plea on behalf of convicts and has almost converted me to the belief that a convict will make an excellent money-lender, but, at the same time, the view of the Select Committee is that persons convicted under certain sections ought not to be money-lenders and I think, this makes for the general safety of borrowers and enhances the prestige of money-lending. Mr. Banerji thinks that some persons who have been convicted are better than some others who are not convicted. It is quite possible; similarly there are many matriculates who are better than graduates but nevertheless according to certain standards of education a graduate is presumed to be more educated than a matriculate. For these reasons, I think, I must oppose this amendment.

The motion of Mr. P. Banerji that clause 12A (1) (b) be omitted was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 12A (2), lines 6 and 7, the words "or to the time which has elapsed since the conviction and to the nature of the offence" be omitted, was then put and lost.

Mr. SPEAKER: That disposes of clause 12A.

Clause 12B.

Mr. SPEAKER: As there is no amendment clause 12B is disposed of.

Clause 13.

Mr. RASIK LAL BISWAS: I beg to move that in clause 13 (1), in line 1, after the word "licence" the words "or renewal of the same" be inserted.

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to move that in clause 13 (3), the following words be added at the end, namely:—

"If made within thirty days from the date of such order".

I think the time should be specified.

I beg to move that in clause 13 (5), line 2, for the words "thirty days" the words "ninety days" be substituted.

I beg also to move that in clause 13 (5), line 3, for the words, brackets and figure "under sub-section (4)" the words, brackets and figure "in appeal under sub-section (8)" be substituted.

I beg to move that after clause 13 (6), the following sub-clause be inserted, namely:—

"(7) The provisions of sections 4, 5 and 12 of the Indian Limitation Act, 1908, shall apply to all appeals and applications for revision made under this section, and for the purposes of the said sections the Provincial Registrar and the Registrar shall be deemed to be courts".

There is one other amendment which I should like to move. I think it is a mere consequential amendment. It has been necessitated by a mistake which has crept in in clause 13 (1) (b).

I move that in clause 13 (1) (b) the words "by order of a Court" be omitted.

Dr. NALINAKSHA SANYAL: This is a very vital thing. It is not so very consequential as the Hon'ble Mr. Suhrawardy tries to make us believe. So far as the refusal of the grant is concerned—

Mr. SPEAKER: I shall take it later on.

Mr. NALINAKSHA SANYAL: It is a very serious matter.

Mr. JATINDRA NATH BASU: Sir, I beg to move that for clause 13 (5), the following be substituted, namely:—

"(5) a competent Court may on an application made within thirty days from the date of the decision of the Registrar under sub-section (4) revise such decision".

Dr. NALINAKSHA SANYAL: On this amendment I was just waiting to hear a few words from Mr. J. N. Basu as explanation. If he does not explain his amendment I will have to put in a short-notice amendment.

Mr. SPEAKER: He has already moved his amendment.

Dr. NALINAKSHA SANYAL: His attention is drawn to the fact that unless the words "within the meaning of section 3 of this Act"

are added, a difficulty will arise. A competent court is not defined anywhere else. It is only defined in chapter II, clause 3. Unless it is said there that a "competent court" means a competent court within the meaning of this section, it will lead people to think that it is a competent court within the meaning of section 14.

Mr. SPEAKER: I think it is unnecessary.

Rai HARENDRA NATH CHAUDHURI: It will mean a competent court under section 14.

Mr. SPEAKER: I will take it later on.

Dr. NALINAKSHA SANYAL: It is merely a consequential measure and I think Mr. Basu will agree that this is what he means.

Mr. SPEAKER: Let me examine the point raised by Dr. Sanyal. Don't you see that in section 3 it is said "(hereinafter referred to as competent courts)"?

Dr. NALINAKSHA SANYAL: Then you will find, Sir, jurisdiction "to entertain proceedings under section 14." In no other part of the Bill there is any reference to a competent court except for the purpose of section 14. In all other cases the ordinary——

Mr. SPEAKER: This is section 13 and not 14. A competent court means a court of jurisdiction. A competent court in clause 3 relates to clause 14.

Dr. NALINAKSHA SANYAL: Originally it was intended that the definition will be taken away. Unless it is qualified by saying what it means there seems to be a lacuna.

Mr. DHIRENDRA NATH DATTA: There is no definition of competent court in any clause.

Mr. JATINDRA NATH BASU: I consider this amendment unnecessary.

Dr. NALINAKSHA SANYAL: What is a competent court?

Mr. SPEAKER: We might have a discussion on this.

Rai HARENDRA NATH CHAUDHURI: Nowhere it is defined in the Bill.

Mr. JATINDRA NATH BASU: Certain courts have been stated to be competent courts for certain purposes.

Dr. NALINAKSHA SANYAL: Only for specific purposes. It is for one of the specific purposes that the competent court has been brought in. Unless you say that how can you bring it in?

Mr. SPEAKER: The discussion is now open and anybody may speak on it.

The Hon'ble Mr. H. S. SUHRAWARDY: Why does Mr. Basu say that there should be a competent court?

Mr. JATINDRA NATH BASU: Because it is a final order and the authority that will finally decide the question that comes up from the Registrar should be a competent judicial authority. That is what I intend to urge. I say that instead of the Provincial Registrar who would be more or less an executive officer the party concerned should have the right to bring it up before a competent court. I have no objection to the amendment suggested by Dr. Sanyal, i.e., "a competent court within the meaning of Section 3 of this Act".

Mr. SPEAKER: I take it that that is the amendment.

Mr. JATINDRA NATH BASU: Yes.

Mr. DHIRENDRA NATH DATTA: This is just like what is intended under section 77 of the Registration Act. As you know, when registration is refused by the Sub-Registrar, there is an appeal to the District Registrar who delegates the power generally to the District Sub-Registrar who hears the appeal and disposes of it. If registration is refused, a suit will have to be filed within a month from the date of refusal of registration under section 77 of the Registration Act. Similarly Mr. Basu wants that, after the refusal by the District Registrar of the license, a suit should be filed before a competent court within the meaning of section 3 of this Act for a decision. That is just on the lines of section 77 of the Registration Act.

Mr. SPEAKER: Mr. Rasik Lal Biswas, is your amendment still necessary?

Mr. RASIK LAL BISWAS: আমার মনে হয় মানে উ'দের পরিষ্কার, কিন্তু এটা থাকলে যে কি হবে এটা বুঝতে পারি না।

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know whether the objection that has been raised by Dr. Sanyal has been sustained or not.

Mr. SPEAKER: Yes, he has incorporated the words "within the meaning of section 3 of this Act".

The Hon'ble Mr. H. S. SUHRAWARDY: In that case section 3 would have to be altered also.

Mr. SPEAKER: Not necessarily

The Hon'ble Mr. H. S. SUHRAWARDY: Sections 13 and 14 would have to be altered.

Mr. SPEAKER: That will come later on.

The Hon'ble Mr. H. S. SUHRAWARDY: So far as Mr. Jatindra Nath Basu's amendment is concerned, I have no objection.

Mr. SPEAKER: Mr Rasik Lal Biswas's amendment is, I think, unnecessary.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose the amendment of Mr. Rasik Lal Biswas

The motion of Mr. Rasik Lal Biswas that after the word "license" the words "or renewal of the same" be inserted was then put and lost.

Mr. SPEAKER: I understand that the Hon'ble Mr. Suhrawardy is prepared to accept the addition of the words "within the meaning of section 3 of this Act" to the amendment of Mr Jatindra Nath Basu.

The Hon'ble Mr. H. S. SUHRAWARDY: In the amendment, it is "on an application made within 30 days". Now it is sought to be amended by substituting the words "within 90 days" for the words "within 30 days". It would be from the date of decision of the Registrar in appeal under sub-section (3) and not under sub-section (4).

Mr. DHIRENDRA NATH DATTA: The appeal is filed under sub-section (3) but the decision is really made under sub-section (4).

Mr. SPEAKER: Have you, Mr. Basu, any objection to amend your amendment by the substitution of "ninety days" for "thirty days" and "the decision of the Registrar in appeal under sub-section (3)" for "the decision of the Registrar, etc."?

Mr. DHIRENDRA NATH DATTA: As regards the substitution of "ninety days" instead of "thirty days" the Provincial Registrar is in Calcutta, but if a suit is to be instituted in the mufassal from the decision of the Registrar, I think that "ninety days" is not necessary.

Mr. SPEAKER: What is the harm in having "ninety days"?

Rai HARENDRA NATH CHAUDHURI: No harm.

Mr. SPEAKER: Mr Basu, have you any objection to amend your amendment to this effect that—

"(5) a competent court within the meaning of section 3 of this Act may on an application made within ninety days from the date of the decision of the Registrar in appeal under sub-section (3) revise such decisions."

Mr. JATINDRA NATH BASU: I have no objection.

The Hon'ble Mr. H. S. SUHRAWARDY: I accept Mr. Basu's amendment.

The motion as amended was then put and agreed to.

Mr. SPEAKER: Now come the four amendments (*viz.*, Nos. 19, 20, 21 and 22), standing in the name of the Hon'ble Mr. Suhrawardy. The substitution of "ninety days" for "thirty days" and of "in appeal under sub-section (3)" for "under sub-section (4)" in clause 13 (5) are not necessary as they are covered by Mr. Basu's amendment. Consequently (Nos. 20 and 21) do not arise. So, I am now putting the other two amendments (*viz.*, Nos. 19 and 22) together.

The motions of the Hon'ble Mr. H. S. Suhrawardy—

that in clause 13(3) the following words be added at the end, namely:—

"If made within thirty days from the date of such order";

that after clause 13(6) the following sub-clause be inserted, namely—

"(7) The provisions of sections 4, 5 and 12 of the Indian Limitation Act, 1908, shall apply to all appeals and applications for revision made under this section and for the purposes of the said sections the Provincial Registrar and the Registrar shall be deemed to be courts."

were then put and carried.

The Hon'ble Mr. H. S. SUHRAWARDY: Perhaps, if I may say so, Sir, sub-section (6) may have to be amended by the deletion of the words "by order of the court".

Mr. JATINDRA NATH BASU: That section would have to be altered.

Mr. SPEAKER: As regards the deletion of the words "by order of the court", Dr. Sanyal, do you still stick to them?

Dr. HALINAKSHA SANYAL: I am not acquiescing because I have serious objections.

The Hon'ble Mr. H. S. SUHRAWARDY: Then, let us come back to it later, Sir, as Dr. Sanyal would like to examine it.

Mr. SPEAKER: That disposes of clause 13. Then comes 13A.

Clause 13A

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that in clause 13A, lines 1 to 3, for the words "may cancel a license entered in the register mentioned by him if it is proved that the money-lender to whom it was issued was disqualified," the following be substituted, namely:—

"may, after giving the money-lender to whom a license entered in the register maintained by such Sub-Registrar was issued an opportunity of being heard, cancel the license if it is proved that such money-lender was disqualified".

The motion was then put and carried.

Clause 14

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that in clause 14 for the words "any person may", the following words be substituted, namely, "any borrower may in respect of any money-lender from whom he has taken a loan".

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that in the suggested new amendment to clause 14 of the Bill, after the

words "any borrower" and before the word "may" the following words be inserted, namely, "with the previous consent in writing of the Provincial Registrar". The Hon'ble Mr. Suhrawardy's amendment together with my suggested amendment will read thus: "any borrower with the previous consent in writing of the Provincial Registrar may, in respect of any money-lender from whom he has taken a loan, etc."

Sir, in respect of clause 14, I beg the House to consider very carefully the effect and evolution of this clause. Clause 14, as it originally stood in the Bill, imposed certain restrictions on all persons who desired to apply for the cancellation of a lender's licence. Sir, if you turn to the original Bill you will find that sub-clause (*1*) of clause 14 stood as follows:—

> "Any person may, on depositing by way of security for such compensation as may be payable under sub-section (*2*), the sum of fifty rupees, or if such person be a borrower from the money-lender, such sum or two-and-a-half per centum of the principal of his loan, whichever is less, make an application to the competent court for the cancellation of the licence, etc."

Then, Sir, there was another sub-clause—sub-clause (*2*)—of the original clause. It provided for equitable compensation in cases of frivolous and vexatious applications. Now, this sub-clause was omitted by the Select Committee and all restrictions that were placed in the original sub-clause (*1*) against frivolous and vexatious applications were omitted in the revised clause as it was reported by the Select Committee. Under the revised clause, as it stands, Sir, any person has unrestricted right to apply for the cancellation of a lender's licence, the right is not restricted even to the borrower. Any person who may have any spite or grudge against any other person may apply to have his money-lending licence cancelled; and if that be a frivolous or vexatious application, even then he will not be bound or liable to compensate for the loss that is sustained by the money-lender in defending the suit or otherwise. That is absolutely an unjustifiable proposition. So we suggested that the whole clause, as redrafted by the Select Committee, should be deleted.

Now, Sir, the Government, in view of the amendments suggested by us, put in certain new amendments, and I would refer the House to the amendment that was originally suggested by Hon'ble Mr. H. S. Suhrawardy and marked 525 in the list of amendments. There you will see, Sir, that the right to apply for cancellation of licence is proposed to be given to the Provincial Registrar or subject to the

control of the Provincial Registrar, to any Registrar, or with the consent in writing of the Provincial Registrar to any other person. Had that amendment been moved by the Hon'ble Mr. Suhrawardy, the result would have been that the right to apply for the cancellation of a licence would have been given to the officials in the first instance, the Provincial Registrar or the Sub-Registrar and thereafter to any other person, not necessarily to the borrower indeed, but that person would have to file such an application with the consent in writing of the Provincial Registrar, that is, there would have been some restriction in cases of such applications, and that would have to a large extent mitigated the chances of frivolous or vexatious applications. Now, the Hon'ble Mr. Suhrawardy is going to bid a good-bye to that suggestion. He has not moved amendment No. 525; but an altogether new amendment, No. 525A. If amendment No. 525A be carried, then the right will be vested in the borrower, but the borrower will in any case have the unrestricted right to file any such application and if we remember that the original sub-clause (2) of clause 14 stands deleted by the Select Committee, then he will not even be under any obligation to compensate the lender for any loss that he may be put to by reason of a frivolous or vexatious application. In other words if Mr. Suhrawardy's amendment is carried, then the borrower undoubtedly will have the right to apply for the cancellation of his lender's licence, at his sweet will, saddled as he will be neither with any restrictive condition nor will he be under any obligation to compensate on the failure of a frivolous or vexatious application. I am therefore suggesting that the borrower's right to file such an application should be restricted—the borrower should be given the right to file such an application to be sure, but only after he has got the previous consent of the Provincial Registrar. (At this stage Mr. Abdulla-al-Mahmood made an interruption.) Why, that is not the case; the Provincial Registrar is after all the highest authority to determine whether a money-lender deserves a licence or has any malpractice to his discredit or not. Therefore, it is only fair to suggest that the borrower, before going to the court, will have to convince the Provincial Registrar about his *bona fide*——

(Mr. ABDULLA-AL MAHMOOD: You are dragging the poor fellow twice to the court!) Not at all; such an application will be a matter of his choice. Rather it becomes necessary to restrict him as all the other conditions that were imposed on the borrower in the original Bill,—namely, that he will have to make a deposit and to undergo the risk of compensating the borrower—have been omitted. Without this preliminary check there will be no end of such applications. Therefore I am suggesting that there should be some initial restriction on the borrower and the borrower should be empowered to file an application for the cancellation of his lender's licence only if his

application be approved by the Provincial Registrar. That was the idea of the Hon'ble Mr. Suhrawardy too as evidenced by his previous amendment marked 525.

Mr. I. D. JALAN: Mr. Speaker, Sir, I beg to support the amendment proposed by Mr. Rai Chaudhuri and in supporting that, I wish to draw the attention of the House to this fact that so far as this Act is concerned, it is applicable to practically every class of dealers, though technically they do not come under the definition of "money-lending" in its popular sense. As a matter of fact, Sir, if you see the definition of the clause, you will find that a person, who supplies goods to another person with interest charged thereon, comes under the operation of this Act. Sir, as a matter of fact, you will find that a supply of goods with a stipulation of payment of interest thereon will become a loan and the person concerned will come within the purview of this Act. In practice, you will find that practically every merchant who has got to deal with this will have to take out a licence without which he will be always in jeopardy. As a matter of fact, Sir, we are proceeding in connection with this clause on the assumption that every person who advances money or sells goods with a stipulation of interest is nothing but a criminal, and we must put all kinds of restrictions whatsoever with regard to the free operation of the business of a particular person.

Sir, every member of this House will have to admit that, after all, selling goods on credit or supplying money for the use of another person is a legitimate operation for any society in the present times, and we should not view this question from the point of view of putting as much obstacle as possible in the way of the money-lenders. I know, Sir, that so far as money-lenders as a class are concerned, there is a good deal of prejudice against them, and we have always in view the worst aspects of money-lending and that is the reason why we are anxious to put in as many stringent regulations as possible. But, Sir, if you consider the operation of this Bill, you will find that it is quite different from the Money-lenders Act or any similar Act, which is in force in Britain or other countries. As a matter of fact, in this Bill, two principles are sought to be enforced. The first principle is the redemption of old debts, and the second principle is the regulation of future transactions. Now, the Hon'ble Mr. Suhrawardy's amendment is that a merchant dealing in a particular place will always be liable to be harassed by his borrowers who may say: "Here is a person who is not carrying out the provisions of the Act". There is no restriction whatever on their right to complain. As a matter of fact, the original Bill, as drafted provided that a borrower would have to deposit Rs. 50 before he was entitled to make an application for a remission of 25 per cent. of his debt. That clause even has now been taken away. Now, under section 80 of the Civil Procedure Code, whenever a person

makes an application with regard to a charitable trust, he has got to obtain the consent of the Advocate-General in writing. I say, Sir, that there ought to be some restriction put upon the unfettered discretion of a borrower to launch on a proceeding which is likely to harass a merchant, because the merchant will have to deal with the whole of his business involved in court, and will have to show that he is dealing in such-and-such a way. In order to put a check to this kind of vagary, I suggest, Sir, that Government ought to adhere to the amendment which Mr. Chaudhuri has moved. If Government is not prepared to saddle their own officers with the task of launching these litigations, then at least the consent of an officer of the Government must be made a condition precedent for starting proceedings. In a very short time, Government will realise that the clause, as it stands, will have the effect of harassing merchants. As a matter of fact, so far as the free operation of mercantile concerns is concerned, it will prove a serious hindrance, and I believe that if the Hon'ble Mr. Suhrawardy will apply his mind once more to this aspect of the question, he will agree to put a fetter to the unfettered discretion of borrowers to start such proceedings against money-lenders.

Babu NAGENDRA NATH SEN: May I speak for two minutes, Sir?

Mr. SPEAKER: Yes

Babu NAGENDRA NATH SEN: Mr. Speaker, Sir, during the course of the speech of Rai Harendra Nath Chaudhuri, Mr. Abdulla-Al Mahmood raised the question as to whether it would be prudent to fetter the borrower with such stringent provisions as to make him go first to the provincial Registrar and then to the Collector. The question is that the borrower should have the undoubted right to question the details of his creditor, but the question which we are dealing with in this clause of this Bill is that cancellation of the licence will have a more far-reaching effect than anything else. If a creditor has a number of borrowers—300, 400 or 500 or even less, say, 50 or 60—the question is whether a single borrower will be entitled to question the veracity and the dealings of his creditor at his own sweet will. As my friend Mr. Jalan has cited the case of a religious and charitable trust, if a suit has to be instituted, the proposed plaintiff must obtain the consent of the Advocate-General in writing or of the District Collector. What is the idea underlying such a proposal? Although it is public trust, with which every member of the public is concerned, still, in order to simplify matters and in order to see that vexatious litigations are not set on foot, the Legislature in its infinite wisdom has enacted that in all cases in which the public is concerned, the consent of the Advocate-General or the District Collector is necessary. Here we are concerned

with money-lenders and borrowers. If the question had been as between a particular borrower and a particular creditor simply, if the effect of the cancellation of the licence would have been that, so far as the complainant borrower was concerned, the creditor would lose his right to sue him or deal with him, if that were the question which the Court would have to decide upon, in that case there need not have been any restraint upon the borrower, but when we say that the borrower will have the power, if successful, of wholly restraining the creditor from pursuing his vocation as a money-lender, and if the effect of cancellation of the licence is more far-reaching than the transaction of the creditor with the particular borrower, in that case there should be some restriction put upon the operations of the borrower.

Then, Sir, it is also well known that in the countryside there are many factions. If there is a money-lender and if he has an enemy, that enemy may put up any borrower any time to apply to the Court to have the licence cancelled. So, in order to put a check to this kind of malpractice—if I am permitted to say so—that this salutary provision has been suggested by Mr. Chaudhuri, and I may add, Sir, that this is nothing new at all. If we analyse the progress——

Mr. SPEAKER: Analysis will take some time. (Laughter.)

Babu NAGENDRA NATH SEN: Alright, Sir, I stop at that.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I have every sympathy with my honourable friend, Mr. Chaudhuri. At the same time, we should not allow our imagination always to run away with us.

Sir, a point has been raised that, as soon as this clause is passed, all the borrowers will go and file applications against their money-lenders. I do not think that this eventuality will occur. I am not aware of a borrower in chains ever appearing or taking proceedings against his own money-lender, however rapacious that money-lender may be. But I can give my friend this assurance that should it transpire that borrowers are being utilized by others in order to file frivolous applications against their money-lenders, we will not have the slightest hesitation in bringing in an amendment similar to that of Mr. Chaudhuri.

I may state here, Sir, that we have advisedly changed the clause as it stood, because it gave liberty to any person to file such an application and we felt, as the last speaker has stated, that any person might be utilized by rival money-lenders for the purpose of making frivolous applications, but we doubt very much if such an eventuality will ever

occur. As a matter of fact, we think that in spite of village factions it is almost impossible that a borrower can be found who will make an application against his own money-lender without reason.

For this reason, Sir, I oppose the amendment.

The motion of Rai Harendra Nath Chaudhuri that in short-notice amendment No. 525A proposed by the Hon'ble Mr. H. S. Suhrawardy in clause 14 of the Bill, after the words "any borrower" and before the word "may" the following be inserted, namely:—

"with the previous consent in writing of the Provincial Registrar",

was then put and a division taken with the following result:—

AYES—46.

Acharyya Choudhury, Maharaja Tushi Khata, of Muktagacha, Mymensingh.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chakrabarty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Datta, Mr. Dhirendra Nath.
Doloi, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Ghose, Mr. Atul Krishna.
Gupta, Mr. Jogesh Chandra.
Jalan, Mr. I. D.
Kumar, Mr. Atul Chandra.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Jogendra Nath.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Pain, Mr. Barada Prosanna.
Ray Choudhury, Mr. Birendra Kishore.
Roy, Mr. Charu Chandra.
Roy, Mr. Nagendrakrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kisori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen, Babu Nagendra Nath.
Sinha, Srijut Maniendra Bhusan.
Sur, Mr. Harendra Kumar.
Tapuriah, Rai Bahadur Moongta Lall.
Thakur, Mr. Pramatha Ranjan.

NOES—115.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Jabbar Paiwar, Mr. Md.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdul Wahed, Maulvi.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rashed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shahed, Maulvi Md.
Abidur Reza Choudhury, Khan Bahadur Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Afzal Hossain Jaordar, Maulvi.
Ahmed Ali Easyotpori, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.

Ahmed Hossain, Mr.
Ahmed Khan, Mr. Syed.
Alimuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Azimuddin Ahmed, Mr.
Azizul Hossain Khan, Maulvi.
Barat Ali, Mr. Md.
Barma, Mr. Parsajit.
Bell-Hart, Miss P. B.
Birkmyre, Sir Henry, Bart.
Blomfield, Mr. L. M.
Brown, Mr. A. O.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahaman, Mr. (Mymensingh).
Fazlur Rahman, Shukteaj, Mr.
Golam Sarwar Hosaini, Mr. Shah Syed.
Griffiths, Mr. C.
Gupta, Mr. J. N.
Gurung, Mr. Dumber Singh.
Gyasuddin Ahmed Choudhury, (Jhad).
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasan Ali Chowdhury, Mr. Syed.
Hasanuzzaman, Maulvi Md.
Hapina Murshed, Mrs., M.B.E.
Haticmally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. H. J.
Idris Ahmed Mia, Maulvi.
Jalaluddin Hashemy, Mr. Syed.
Jasimuddin Ahmed, Mr.
Jonab Ali Majumdar, Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Maqbul Hossain, Mr.
Marindin, Mr. F. J.
Mitra, Mr. C. W.
Miller, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Moslim Ali Mollah, Maulvi.
Mozammel Haq, Maulvi Md.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Nasirullah Hossain, the Hon'ble Nawab, Khan Bahadur.
Nestafa Ali Dewan, Maulvi.
Nizamullah Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Norton, Mr. H. R.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Ramzuddin Ahmed, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sarkar, Babu Madhusudan.
Sarkar, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahedali, Mr.
Singha, Babu Kshetra Nath.
Sirdar, Babu Litta Manda.
Smith, Mr. H. Brahant.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Yousuf Mirza.

The Ayes being 48 and the Noes 115, the motion was lost.

Mr. SPEAKER: I might announce that immediately after the prayer interval I will put amendment No. 525A before the House and after that the amendment of Mr. H. S. Suhrawardy and the short-notice amendment of this side pointing to the debt about commercial transactions.

(The House was then adjourned for 20 minutes.)

(After adjournment.)

Mr. SPEAKER: We will take up first the amendment which has been discussed, namely, 525A.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in clause 14 for the words "any person may" the following words be substituted,

namely: "Any borrower may, in respect of any money-lender from whom he has taken a loan" was then put and a division taken with the following result:—

AYES—87.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Jabbar, Maulvi.
Abdulla-al-Mahmood, Mr.
Abdur Rahman Siddiqui, M
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah
Abdur Razzak, Maulvi.
Abdus Shakoor, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Quasem, Maulvi.
Abul Hussain Jourdar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Mu.
Anisul Hossain Khan, Maulvi.
Barat Ali, Mr. Md.
Birkmyre, Sir Henry Bart.
Blomenstock, Mr. L. M.
Brown, Mr. A. O.
Black, Mr. I. A.
Das, Mr. Kanhai Chandra.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman (Mymensingh), Mr.
French, Mr. F. H.
Golam Sarwar Hossaini, Mr. Shah Syed.
Griffiths, Mr. G.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasina Murshed, Mrs., M. B. E.
Hatemaliy Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Chaudhury, Maulvi.
Maftabuddin Ahmed, Khan Bahadur Maulvi.
Magbul, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharraff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustafa Ali Dewan, Maulvi.
Nasrullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Norton, Mr. R.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sarkar, Babu Madhusudan.
Sassoon, Mr. R. M.
Sorajul Islam, Mr.
Sircar, Babu Lalit Munda.
Smith, Mr. H. Brabant.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, The Hon'ble Mr.
Tofel Ahmed Chaudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Warren, Mr. P. F. S.

NOES—13.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Emdadul Haque, Kazi.
Gyasuddin Ahmed Choudhury, Alhaj.
Hasan Ali Chowdhury, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Mandal, Mr. Amrita Lal.
Maqbul Hossain, Mr.
Ramiruddin Ahmed, Dr.

The Ayes being 87 and the Noes 13 the motion was carried.

Mr. SPEAKER: That disposes of clause 14. I will now take up the "commercial transaction" amendment.

Mr. DHIRENDRA NATH DATTA: Sir, what about amendment No. 24 in the name of the Hon'ble Mr. H. S. Suhrawardy to clause 14?

Mr. SPEAKER: That has not been moved. That has been postponed.

Clause 2.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that in clause 2 after sub-clause (3) the following sub-clause be inserted, namely—

"(3A) 'commercial loan' means a loan advanced to any person to be used by such person solely for the purposes of any business or concern relating to trade, commerce, industry, mining, planting, insurance, transport, banking or entertainment, or to the occupation of wharfinger, warehouseman or contractor or any other venture of a mercantile nature, whether as proprietor or principal or agent or guarantor:

Explanation.—Notwithstanding anything contained in any agreement relating thereto, a loan shall not be deemed to be a commercial loan unless it is in substance a loan to be used solely for any of the purposes referred to in clause (3A)".

I also beg to move that in clause 2, *10* after sub-clause (*e*) the following sub-clause be inserted, namely:—

"(*f*) a commercial loan;"

So far as the numbering and lettering are concerned, they will be attended to later on.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in clause 2 after sub-clause (3) the following sub-clause be inserted, namely:—

"(3A) 'commercial loan' means a loan advanced to any person to be used by such person solely for the purposes of any business or concern relating to trade, commerce, industry, mining, planting, insurance, transport, banking or entertainment, or to the occupation of wharfinger, warehousesman or contractor or any other venture of a commercial nature, whether as proprietor or principal or agent or guarantor;

Explanation:—Notwithstanding anything contained in any agreement relating thereto a loan shall not be deemed to be a commercial loan unless it is in substance a loan to be used solely for any of the purposes referred to in clause (3A)".

was then put and carried.

Mr. SPEAKER: Now the question before the House is the motion of the Hon'ble Mr. Suhrawardy that in clause 2(10) after sub-clause (e) the following sub-clause be inserted, namely:—

"(f) a commercial loan;"

Maulvi ABU HOSSAIN SARKAR: This sub-clause we would like to oppose, Sir.

Mr. SPEAKER: I hope you will be brief.

Maulvi ABU HOSSAIN SARKAR: Mr. Speaker, Sir, by this amendment the Hon'ble Mr. Suhrawardy likes to take away commercial loans from the operation of the Act. This amendment, Sir, shows the maximum number of somersaults which the Ministry can give. First these commercial loans were excluded in the original Bill. Then the Select Committee included the commercial loans. Subsequently by another amendment the Hon'ble Mr. Suhrawardy tried to exclude this class of loans and then for some mysterious reasons he abandoned it. Then again an amendment was moved by my friend Dr. Sanyal and by the movement in the House of the European Group we considered that the gentlemen on my left will support that amendment. Then again the Hon'ble Mr. Suhrawardy gave the last somersault and excluded the commercial loans. Now, Sir, our intention from the beginning has been to include all kinds of loans and to cut down the rate of interest with respect to them.

But unfortunately when pressure after pressure was put on the Cabinet, one class of loan after another was excluded and I can stick to my original statement that if all these items are excluded, the Bill will not be worth the paper on which it will be printed. I do not want to take the time of the House any longer; I shall simply conclude by quoting a Bengali proverb which runs as follows:—

ছিলাম ঢেঁকি হয়েম কুল,
কাটতে কাটতে নির্মূল।

Babu KSHETRA NATH SINGHA: Sir, I want to speak a few words on this motion. It is a painful duty on my part to oppose this eleventh hour amendment of the Hon'ble Minister. As my friend, Mr. Abu Hossain Sarkar, has already said, there have been several changes going on in connection with this amendment as with others. The various stages through which this particular thing has passed reminds me of the well-known words of Shakespeare namely "All the World's a stage where all the men and women are but players. Yes, Sir; we are but so many players here, wearing one sort of apparel at one time and another sort at another time. At the very beginning we

found that in the definition clause the scheduled banks were excluded, then the notified banks were excluded and now to add to the miseries of the poor people "commercial transactions" are going to be excluded also. Sir, this is the last straw on the camel's back. If my friends of the Coalition Party had this intention in mind they should have thought over the matter at the Select Committee stage but instead of that, now at the eleventh hour, Government are changing everything at a moment's notice? Sir, we are dull people; we cannot understand what is in the mind of the Coalition Party. But as a matter of fact, a mountain in labour has produced a mouse. That is my opinion, Sir, so far as the present piece of legislation is concerned. I oppose the amendment of Mr. Suhrawardy not on the ground of merit, Sir, but because of this ever-changing attitude of Government which is very disgusting not only to us but also to the public at large.

Mr. CYASUDDIN AHMED: সভাপতি মহোদয়, বর্তমানে মাননীয় সারওয়ার্দি সাহেব আজ এই মুহূর্তে যে সংশোধনী প্রস্তাব গ্রহণ কোরেছেন সেই সম্পর্কে আমার কিছু বলার আবশ্যকতা হোয়েছে। Coalition Party কি প্রকারে এই amendment কোরতে পারে আমি বুঝতে পারি না। আজ তাঁরা তাঁদের পার্টিতে কি discussion এ নিয়ে কোরেছেন। তাঁদের পার্টির অধিকাংশ লোকের commercial loan সম্বন্ধে অভিমত এই ছিলো যে commercial loan যেন এ বিল থাকে exclude না করা হয়। কারণ তাতে প্রধান দোষ এই হবে যে মানুষ যত ঋণ গ্রহণ কোরবে সমস্ত বছরের সঙ্গেই যদি commercial loan এই কথা বোলে দেওয়া হয় তাহলেই সে ঋণ এ আইনের কবলে পোড়বে না।

Mr. SPEAKER: I would ask you not to refer to party matters but to stick to the subject matter under discussion.

Mr. CYASUDDIN AHMED: Very

এই আইনটা করার প্রধান উদ্দেশ্য ছিলো Banking Enquiry Committee র সিদ্ধান্ত অনুসারে কৃষকদের যে একশো কোটি টাকা ঋণ দাঁড়িয়েছে বোলে জানা গিয়াছে, যে ঋণের ভার তাদের পরিশোধের কোন উপায় নাই। সেই ঋণ পরিশোধ করার জন্য ঋণ শালিশী বোর্ড হোয়েছে, এবং দরিদ্র কৃষকদের সুবিধার দিকে লক্ষ্য কোরেই এই মহাজনী আইন সংশোধনের বিল আনা হোয়েছে। কিন্তু এখন দেখা যাচ্ছে যে একটি একটি কোরে এই মহাজনী আইনের পরিধি থেকে scheduled banks, notified banks, co-operative banks, insurance companies এবং শেষটায় commercial loan গুলি যদি বাদ দেওয়া হয় তাহলে এই মহাজনী আইন প্রবর্তনের আর কোন উদ্দেশ্যই থাকে না। বাংলা দেশের কৃষকদের বাংলা দেশের দরিদ্র অধিবাসীদের, বাংলা দেশের খাতকদের বাঁচাবার জন্য যদি এই আইনের উদ্দেশ্য হোয়ে থাকে তাহলে বর্তমান amendment কিছুতেই সমর্থন করা যায় না। কারণ বর্তমান amendment যদি পাশ হয় তাহলে বাংলা দেশের কৃষক আর কোথাও ঋণ পাবে না। সুতরাং আমি বোলতে বাধ্য হোচ্ছি যে গভর্ণমেন্টের যদি সদিচ্ছা থাকে তাহলে হয় গভর্ণমেন্ট Select Committee র recommendation বলে বিলটা গ্রহণ করুন, না হয় তো, এই বিলটা তুলে withdraw করুন।

এই প্রসঙ্গে আমি আর একটা কথা এই বোলতে চাই যে Select Committee. র recommendation যদি Government গ্রহণ নাই কোরবেন তাহলে মিছে মিছি কেন হাজার হাজার টাকা খরচ করিয়ে এত দীর্ঘ দিন ধোরে মহাজনী বিল সংশোধনের জন্য সিলেক্ট কমিটি বসানো হয়েছিলো? এই যে অকারণ এত অর্থ ও সময় ব্যয় এর কৈফিয়ৎ বাংলা দেশের প্রজার নিকট একদিন গভর্ণমেণ্টকে অবশ্যই দিতে হবে। সঙ্গে সঙ্গে গভর্ণমেণ্টকে যারা সমর্থন করেন সেই Coalition Party কে বোলছি তাঁদেরও চিন্তা করা কর্তব্য যে এই বিল যদি এই ভাবে পাশ হোয়ে যায়, তাহলে বাংলা দেশের চাষীদের কাছে, বাংলা দেশের কৃষকদের কাছে, খাতকদের কাছে কি জবাব দেওয়া যাবে? সে বিষয়েও অবশ্য আগে থেকেই বিবেচনা করা দরকার। এই বিল যদি পাশ হয় তাহলে দেশের মধ্যে আমরা গিয়ে মুখ দেখাতে পারবোনা। আমি এই হাউসের সকল প্রতিনিধিদের বিশেষ কোরে কোয়ালশন পার্টির সভ্যদের জিজ্ঞাসা কোরছি—দেশে যেয়ে খাতকদের কাছে, কৃষকদের কাছে, চাষীদের কাছে কি জবাব তাঁরা দেবেন? কি কথা তারা বোলবেন? এর বেশী আমার আর কিছু বলার নেই।

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, from the speech of the honourable member who has just spoken it appears that he does not care to know what happens to the country provided he gets his vote. In our anxiety, more than that, Sir, in our very earnest desire to help the debtor, we must be careful not to do anything which will destroy the industries, business and commerce in this Province. There are tens of thousands and hundreds of thousands of villagers and agriculturists whose representatives that party purports to be, who carry on business for which they must have money in order to carry on their daily business. Whenever they carry on business in rice and jute, it is essential that they must have some facilities for raising money. Over and above that, crores and crores of rupees are invested in business which is being carried on in Calcutta and nearabouts by bigger firms, smaller firms, managing agents of companies, and by business firms who give goods on credit and receive back the money on interest who will come under the definition of money-lender unless they are excluded. It is obviously, impossible and very unfair to class them with money-lenders. The reason why I did not move the exclusion of commercial loan in the beginning, was that we were anxious to find something which would make the definition so water-tight that this exclusion of a commercial loan would not be utilised by the agriculturists on the one side and by the money-lender on the other in giving loans to agriculturists at a high rate of interest and calling it at the same time a commercial loan to escape from the provisions of the Act. For that reason, Sir, in this definition we have stated that this money must be used solely for the purposes of business. Moreover, Sir, we have put the money-lender under certain disabilities. We have stated that the onus of proving—that is what we propose moving in clause 37—whether the loan is a commercial loan or not shall rest on the money-lender. Moreover, if there is a collusive transaction, if the money-lender pays money to an agriculturist knowing fully well that it is not a commercial loan but that the agriculturist is going to use it for his own private purposes,

and if the money-lender charges a rate of interest much above what we are going to provide for in clause 28, then the document of security or bond will be declared unenforcible. So, from all these circumstances, it is quite clear that commercial loans will be given only for genuine commercial transactions and no money-lender can take the risk of giving loan to an outsider or to any person unless he is absolutely satisfied that it is taken for commercial purposes, because if he is not able to prove that it was a commercial loan he would run the risk of rendering his document void and unenforcable.

After the definition and the penal clause that we are going to move, namely, clause 37, it appears to me that no money-lender will ever lend money except at the rate of interest specified in the Bill. I think that no money-lender will take the risk of lending money on a rate of interest above eight per cent. or ten per cent. The greatest security that I feel, Sir, is that the people in the countryside will get loans at rates of interest as specified in clause 37 in view of the definition of commercial loans and the penal clause that we propose to move. I do not think, Sir, that there is any doubt about it that our agriculturists will get loans, that they will get loans at cheap rates and that commercial loans will not be unnecessarily penalised, nor will trade and commerce be hampered.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in clause 2(10) after sub-clause (e) the following sub-clause be inserted, namely:—

"(f) a commercial loan;"

was then put and a division taken with the following result:—

AYES—36.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Majid, Mr. Syed.
Abdur Rahman Siddiqi, Mr.
Abdur Rakhid Mahmood, Mr.
Abdur Razzaq, Maulvi Md.
Abdur Rauf, Khan Sahib Mau
Abdur Rauf, Mr. Shah.
Abdus Shaheed, Maulvi Md.
Abidur Reza Choudhury, Khan Bahadur Maulvi.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Altab Hossain Jaardar, Maulvi.
Ahmed Ali Mridha, Maulvi.
Ahmed Hoshia, Mr.
Allauddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Bia, Maulvi Md.
Asad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Bose, Mr. Jatindra Nath.
Birkmyre, Sir Henry Bart
Blomestock, Mr. L. M.
Brown, Mr. A. C.
Clark, Mr. I. A.
Dutt, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman (Mymensingh), Mr.
French, Mr. F. H.
Griffiths, Mr. S.
Hafizuddin Choudhury, Maulvi.
Hamidoddin Ahmad, Khan Sahib.
Hamilton, Mr. K. C.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Hirzat, Mr. M. A. F.
Jaimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.

Kennedy, Mr. I. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Mahiuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J.
Miles, Mr. C. W.
Millar, Mr. C.
Mohammad Ali, Khan Bahadur.
Mohsin Ali, Mir. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozammel Haq, Maulvi Md.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Nafar Ullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Norton, Mr. H. W.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Patiram.
Ross, Mr. J. B.
Sadaruddin Ahmed, Mr.
Sarkar, Babu Madhusudan.
Scesson, Mr. R. N.
Sen, Rai Bahadur Jogesh Chandra.
Sirdar, Babu Lilla Munda.
Smith, Mr. H. Brahant.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tapuriah, Rai Bahadur Moongta Lall.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. R. M.
Warren, Mr. P. F. S.

NOES—17.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Barma, Babu Premhari.
Biswas, Babu Lakshm. Narayan.
Emdadul Haque, Kazi.
Gyasuddin Ahmed Choudhury, Alhadj.
Hasan Ali Choudhury, Mr. Syed.
Sonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Mal, Mr. Iswar Chandra.
Maqbul Hossain, Mr.
Ramizuddin Ahmed, Mr.
Shahedeli, Mr.
Singha, Babu Kshetra Nath.

The Ayes being 86 and the Noes 17, the motion was carried.

Revised Programme of Work.

Mr. SPEAKER: Before I proceed, I want to discuss another matter, that is, about our programme of work later on. I understand that the idea is to meet on Friday next and not to have any session next week.

The Hon'ble Mr. H. S. SUHRAWARDY: After the 7th.

Mr. SPEAKER: So we continue from the 2nd June till 7th and then adjourn for 4 days and meet again. The original idea of not having a session on the 1st was because we have got the Public Accounts Committee election on that day but in view of the fact that a large number of members want to go home, I propose to have the election at the usual time on Thursday and our sitting at the usual time, namely, at 4-45 on that day. The election result will be declared later on. I think, this will suit you; otherwise the election may be held just before the holidays, namely, on the 7th at 11 a.m.

Mr. JOGESH CHANDRA GUPTA: I think, the election ought to be held on the 1st; there ought not to be any difficulty about it.

Mr. SPEAKER: Members want to go home; so the election may be held either on the 1st or the 7th.

Mr. JOGESH CHANDRA GUPTA: It would be very inconvenient for us if the election is not held on the 1st as we have detained some members in view of this election.

Mr. SPEAKER: You can release them now.

Mr. JOGESH CHANDRA GUPTA: It will be very difficult for them now to cancel their engagements.

Mr. SPEAKER: Then the best thing is to have the election and session on Thursday the 1st, so that members may have holidays for four days at a stretch instead of two days.

Mr. SARAT CHANDRA BOSE: May we know, Sir, why Government propose this adjournment?

Mr. SPEAKER: I do not know.

Mr. SARAT CHANDRA BOSE: We are in the midst of a Bill and there is no reason why we should not sit from day to day to finish the Bill.

Mr. SPEAKER: Sir Nazimuddin, do the Government propose to have no session from 7th to 12th June?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir, for one week from 7th to 12th.

Mr. SPEAKER: I propose in that case that, subject to Government agreeing we should continue our session day after to-morrow at the usual time at 4-45 p.m. We will have our election on that day at the usual time as fixed. But the counting will be done by the Returning Officer during the holidays.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I suggest that the election be held on the 6th?

Mr. SPEAKER: We cannot do that, because it will upset all arrangements. The members generally and the Opposition in particular strongly object to such arrangement. I propose to have the

election and the Assembly sitting at the usual time on the 1st and give you one day extra along with the long holidays, so that members will have a longer stretch of holidays. I hope you will have no objection. So, in supersession of our previous programme, I take it that the Assembly will meet on Thursday and Friday to finish, as much as possible, the Money-Lenders Bill.

Dr. NALINAKSHA SANYAL: This House having adopted the revised amendment of the Hon'ble Mr. Suhrawardy regarding commercial loan and the definition of a commercial loan, I do not think I should tire the House by pressing my amendment in this connection which I moved some time back. Sir, it probably hurt the prestige of Government to accept my amendment and contrary to parliamentary practice, Government thought fit to bring forward their own amendment and not have the declaration outside the House that it was one of the Opposition amendments that Government agreed to accept. In any case, if the two amendments are compared, it will be seen that the Hon'ble Mr. Suhrawardy has taken my amendment, word for word, almost in its entirety, save and except this change that he has thought fit to define a commercial loan first with the terms that I proposed and then have another stage of excluding that commercial loan. I had excluded in my amendment "a loan advanced to be used for the purposes of any business or concern relating to trade, commerce, industries, planting, mining, insurance, transport, banking or entertainments or to the occupation of wharfinger warehouseman or Contractor or any other venture of a mercantile nature, whether as proprietor, principal or agent or guarantor." What was supposed to be a loan coming under 2(10)(f) and the Hon'ble Mr. Suhrawardy also by defining a commercial loan as a loan advanced to any person to be used by such person solely for the purposes of any business . . . . . etc., etc., has taken my language.

Mr. SPEAKER: What do you want to do?

Dr. NALINAKSHA SANYAL: Therefore I am not pressing my amendment, but there was also another amendment of mine moved at the same time and that was with regard to explanations. I had moved that there should be added these two explanations after 2(10)(f). The first explanation is this that "a bond bearing interest executed in respect of goods taken on credit for the purpose of sale is not a loan." The second explanation which I sought to add was that "the supply of goods on credit with stipulation of interest payable in default of payment of the price in due time is not a loan."

So far as the definition of commercial loan is concerned, the purpose of the loan specifically must be commercial purpose, but the

ordinary businessmen, traders, merchants, shop-keepers always have to give things on credit to customers and when things are taken on credit generally the stipulation is that after a due time when the money is to be paid, if the money is not realised it carries some interest. Under the definition of a loan as we have defined in section 2, sub-section 10, a loan will either be an advance whether in money or in kind and it should include any transaction which is in substance a loan. There must be a stipulation for the payment of interest. That being the position my fear is that a shop-keeper, or even dispensing chemist when he dispenses any medicine on credit, or shop-keeper gives a customer credit for a particular period, and the customer does not utilise that commodity for commercial purposes, but uses for ordinary consumption, that particular shop-keeper will come under the mischief of the Act. A credit transaction under such circumstances will be absolutely impossible. It is not a case of money-lending in the rural areas as against such in the towns. Such transactions always take place in every part and I suppose we as members of the legislature have experience even personal experience, of taking things on credit. Government certainly never mean that such transactions should come under the definition of money lending and the shop-keeper will have to take licence and have to keep accounts in specified forms and submit the same from time to time in the language as is laid down in the Act and have all the other restrictions relating to money-lending. It is certainly not in the contemplation of Government and therefore I want to make the position further clear by adding these explanations to prevent litigation and to prevent different courts holding different view points. It is necessary to have an explanation of this nature definitely placed on the Statute Book. I therefore press that these two explanations be accepted by Government and when Government have been so pleased for reasons best known to themselves to understand the real difficulties of the commercial men, let them also understand it fully and complete the picture which they have now painted with their own hand and will not allow anybody else to paint pictures for them. Let them accept these two explanations and I trust that the influence which weighed with them in accepting the terms of my amendment regarding commercial loans will also weigh with them now in accepting these two explanations.

The Hon'ble Mr. H. S. SUHRAWARDY: I oppose it. If this bond or supply of goods is not a commercial loan, well then it is not commercial loan. If it is, then it is commercial loan and there is no need for any explanation. If you want to charge interest, charge interest as stipulated in the Bill, *viz.*, 10 per cent. and you will be quite safe.

Mr. SANTOSH KUMAR BASU: What about the licence?

The Hon'ble Mr. H. S. SUHRAWARDY: Take out a licence and pay Rs. 5.

Mr. SANTOSH KUMAR BASU: Take out a licence for money-lending.

The Hon'ble Mr. H. S. SUHRAWARDY: So far as the definition of commercial loan is concerned, I do not know why Dr. Sanyal is so anxious to take credit for the definition, because he has taken it word for word from the definition which was proposed by Government in the original Bill.

Dr. NALINAKSHA SANYAL: Ask your Government's draftsman who gave the definition?

The Hon'ble Mr. H. S. SUHRAWARDY: With the addition of two——

Mr. SPEAKER: Order, order. I think this is a fight about personal matters.

The Hon'ble Mr. H. S. SUHRAWARDY: Dr. Sanyal has included in the amendment which he puts forward the two words, namely, mising and transport, which I added. But if Dr. Sanyal is so anxious to father it or to sponsor it, why did he and his party not vote for that amendment. It is a shame that all these things should be utilised for political purposes and political propaganda. We moved the same amendment as Dr. Sanyal did. There was no difference and it is common honesty that Congress party should have voted for the Government motion.

Mr. SURENDRA NATH BISWAS: May I ask one question?

Mr. SPEAKER: The question before the House is the amendment No. 7A. It consists of two parts. The first part does not arise.

The second part of the motion of Dr. Nalinaksha Sanyal (No. 7A), namely, that the following explanations be added to clause 2 (10) (b)—

"*Explanations*"

(i) A bond bearing interest executed in respect of goods taken on credit for the purpose of sale is not a loan;

(ii) A supply of goods on credit with stipulation of interest payable in default of payment of the price in due time is not a loan."

was then put and a division taken with the following result:—

AYES—40.

Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Bipinath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Pashupati.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Sarendra Nath.
Bose, Mr. Sharat Chandra.
Chakraborty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Datta, Mr. Dhirendra Nath.
Doloi, Mr. Narendra Nath.
Dutta, Mr. Sukumar.
Ghose, Mr. Atul Krishna.
Gupta, Mr. Jogesh Chandra.
Jana, Mr. I. D.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maitra, Mr. Surendra Mohan.
Mali, Mr. Adwaita Kumar.
Mazumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. S.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Abhutosh.
Roy, Mr. Kamakrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen, Babu Nagendra Nath.
Sinha, Srijut Maniendra Bhusan.
Sur, Mr. Narendra Kumar.

NOES—87.

Abdul Aziz, Maulana Md.
Abdul Hakeem, Mr.
Abdul Hakim, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Majid, Mr. Syed.
Abdulla-Al Mahmood, Mr.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdus Shahood, Maulvi Md.
Abidar Reza Chowdhury, Khan Bahadur Maulvi.
Abul Quasem, Maulvi.
Aftab Hossain Joardar, Maulvi.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alhazeddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulvi Md.
Anisul Hossain Khan, Maulvi.
Barai Ali, Mr. Md.
Birkmyre, Sir Henry, Bart.
Blomfield, Mr. L. M.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kiriti Bhusan.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman (Mymensingh), Mr.
Golam Sarwar Hossini, Mr. Sitab Syed.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmed, Khan Sahib.
Hamilton, Mr. H. A.
Hashanuzzaman, Maulvi Md.
Hajomally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Hirtzel, Mr. H. A. F.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Mahiyuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Bipat Chandra.
Mandal, Mr. Jagat Chandra.
Manirudin Ahmed, Maulvi.
Marindin, Mr. F. J.
Miles, Mr. C. W.
Miller, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Moslem Ali Mollah, Maulvi.
Mozammel Hoq, Maulvi Md.
Mohammad Ishaque, Maulvi.
Mohammad Ishaque, Maulvi.
Mohammad Israil, Maulvi.
Mohammad Siddiqui, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Motilanda Sahary.
Mullick, Mr. Putin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.

Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Norton, Mr. H. R.
Patton, Mr. W. G.
Rahman, Khan Bahadur Alim. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Roy, Mr. Patiram.
Ross, Mr. J. B.
Sadaruddin Ahmed, Mr.
Sarkar, Babu Madhusudan.
Sarkar, the Hon'ble Mr. Nalini Ranjan.
Sayeed Islam, Mr.
Sardar, Babu Lilla Munda.
Smith, Mr. H. Brahant.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Walker, Mr. W. A. M.
Warren, Mr. P. F. S.

The Ayes being 40, and the noes 82, the motion was lost.

Mr. SPEAKER: I may announce here that the election to the Public Accounts Committee will be held the day after to-morrow and that the House will sit the day after to-morrow as usual at 4-45 p.m.

Adjournment.

The House was then adjourned till 4-45 p.m. on Thursdy, the 1st of June, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 1st June, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 7 Hon'ble Ministers and 204 members.

STARRED QUESTIONS

(to which oral answers were given)

*488, *494 and *495. **Mr. SPEAKER:** In the absence of the Hon'ble the Chief Minister, these questions may be passed over for the present.

Appeals filed against the decrees of Debt Settlement Boards, Mymensingh.

*493. **Mr. BIRENDRA KISHORE ROY CHOWDHURY:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay a statement on the table showing for the year 1938—

(a) the number of appeals filed against the orders of each of the Debt Settlement Boards in the district of Mymensingh; and

(b) the number of such appeals pending at the end of the year?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mallick): (a) The total number of appeals filed against the orders of all Debt Settlement Boards in Mymensingh district during 1938 was 1,042.

(b) The number pending at the end of the year was 676.

Appeals were filed against the orders of 292 Boards: a detailed statement is laid on the Library table.

Cases before Jungle-Mehal Debt Settlement Board, Midnapore.

*498. **Mr. C. MORGAN:** (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(i) the number of cases instituted before the Jungle-Mehal Debt Settlement Board in the district of Midnapore during the year ending on 14th April, 1939;

(ii) the number of cases decided during the above period; and

(iii) the number of cases still pending before the Boards as on the 14th April, 1939?

(b) Is the Hon'ble Minister aware of the fact that the largest majority of cases are still pending?

(c) If so, will the Hon'ble Minister be pleased to explain the reasons for the delay for the disposal of the cases instituted before the Board in question?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (a) (i) There is no Debt Settlement Board of this name in the district of Midnapore.

(ii) and (iii), (b) and (c) Do not arise.

Mr. C. MORGAN: Will the Hon'ble Minister be kind enough to let me know the name of the Debt Settlement Board nearest to Jungle-Mehal?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I cannot say.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Fee of Maulvi Gholam Ahmed of the Panel of Public Prosecutors, 24-Parganas.

235. **Mr. JASIMUUDIN AHMED:** With reference to the reply to clauses (d) and (e) of starred question No. 100 of the 6th March, 1939, is the Hon'ble Minister in charge of the Judicial Department aware—

(a) that Maulvi Gholam Ahmed was appointed in the Panel of Public Prosecutors, 24-Parganas, in 1924, on a daily fee of Rs. 25 which he was all along drawing till the original rate of Rs. 25 was temporarily reduced to Rs. 16 along with other lawyers appointed in the same grade:

(b) that Maulvi Gholam Ahmed is the seniormost pleader appointed in the grade of Rs. 12; and

(c) that it was his case alone that was not taken into consideration when restoring the fees of lawyers formerly appointed on the grade of Rs. 25?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (a) Probably so. Papers regarding the exact date of appointment of Maulvi Gholam Ahmed are not available now. He was paid Rs. 25 per diem as fees up to March, 1932. From April, 1932, he has been paid at the reduced rate of Rs. 16 per diem. This reduction was general at the time.

(b) Government have no information.

(c) Since the reduction of panel pleaders' fees in 1932, there has been no general revision. The question of Maulvi Gholam Ahmed's fees is under consideration.

Rejection of applications of debtors by Debt Settlement Boards, Kishoreganj, for non-payment of court-fees.

236. Maulvi MD. ISRAIL: (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay on the table a statement showing for the year 1938, Board by Board, in the subdivision of Kishoreganj, how many applications of the debtors have been dismissed by the Debt Settlement Board for non-payment of court-fees on the determined debt?

(b) Whether the creditors were asked to make any payments in the cases referred to in clause (a) above towards their own dues?

(c) Do the Government contemplate to change the rules making the creditors liable to pay their share of the court-fee?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (a) The collection of this detailed information will entail a search involving so much labour that I regret I am unable to direct that it shall be undertaken. For the information of the honourable member I may say that the attention of the District Magistrate has been drawn to this complaint and that he has been directed to take remedial action in cases where hardship has been caused. Government desire that fees should be paid without undue delay but that sufficient time should be allowed when circumstances justify such a course.

(b) Creditors are always asked to pay their share of the fees.

(c) The attention of the honourable member is invited to clause 20 of the Bill introduced to amend the Bengal Agricultural Debtors Act.

Post of Muslim Marriage Registrar of Barabazar, Calcutta.

237. Mr. SYED AHMED KHAN: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state when did the post of the Kazi and the Muslim Marriage Registrar fall vacant at Barabazar in Calcutta?

(b) What are the names and qualifications of the candidates who applied for the post?

(c) Has a Bengali candidate been appointed to the post?

(d) If not, what are the reasons?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (a) The vacancy occurred from the 25th December, 1937.

(b) to (d) The matter is under consideration and the information cannot be supplied at this stage.

Adjournment motion.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, Mr. Abu Hossain Sarkar sent in a notice of an adjournment motion regarding the assault on Mr. Shamsuddin Ahmed, a member of this House. I hope you will permit us to move that adjournment motion.

Mr. SPEAKER: As a matter of fact, it is not in order under the rules to refer to any matter to which I have not given my consent. When the order was passed withholding my consent to the motion, a letter was sent to Mr. Abu Hossain Sarkar informing him of my decision. I regret very much to say that Mr. Sarkar did not receive the letter, and I think it is an act of discourtesy not to have received that letter. I told him plainly that even though I was withholding my consent, I would explain to him the reasons therefor in the House. But in view of the attitude he has taken up, I refuse to explain that matter now, and under the Rules and Standing Orders, nothing can be referred to now to which my consent has not been given.

Mr. SYED JALALUDDIN HASHEMY: Sir, I have no disagreement with you with regard to the manner in which Mr. Abu Hossain Sarkar acted in not receiving the letter. But that is a matter which concerns the conduct of an individual member only, but this adjournment motion relates to a matter with which we are vitally concerned.

Mr. SPEAKER: I am sorry you cannot do it under the rules. It is a matter which concerns Mr. Abu Hossain Sarkar and nobody else. If he had received that letter, he could have seen that as a matter of fact I have given him much more facilities than I would ordinarily do, and I have also advised him as to the manner and language in which such an adjournment motion should be couched. But as I have already withheld my consent and he has refused to receive that letter, I can do nothing further now.

Dr. NALINAKSHA SANYAL: Sir, in view of your assurance, we submit that the party may kindly be allowed to redraft it properly.

Mr. SPEAKER: Whatever my personal feeling is in the matter, all that is finished, and after that I am the last person to be governed by any personal feeling on my part; you may have that assurance from

GOVERNMENT BILL.

The Bengal Money-lenders Bill, 1939.

Clause 15.

Dr. NALINAKSHA SANYAL: I think, one small amendment is still left out.

Mr. SPEAKER: Yes.

Dr. SURESH CHANDRA BANERJEE: Sir, I beg to move that after sub-clause (4) of clause 15, the following new sub-clause be added, namely:—

"(5) Such Court may direct that any person making an application under section 14, which is frivolous or vexatious, shall pay to the money-lender against whom such application has been made, compensation of such amount as the Court considers equitable."

Sir, I do not want to make any speech.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, may I have your permission to move amendment No. 539 standing in the name of Rai Harendra Nath Chaudhuri? That is our party amendment.

Mr. SPEAKER: Yes, you may, but you will have to move it as a short-notice amendment of your own.

Dr. NALINAKSHA SANYAL: All right, Sir.

Sir, I beg to move that in clause 15 (3), in line 6, for the word "fifty" the word "ten" be substituted.

The whole idea is to make the penalty look like something reasonable. The idea of imposing a penalty of Rs. 50 per day for non-production of a licence appears to be ridiculous. The whole licence-fee amounts to Rs. 15 for three years, and under no stretch of imagination can we conceive of a penalty of Rs. 50 per day for non-production of a licence, the value of which is at most Rs. 5 for one whole year. We have pinned down up to the figure "ten", and we do not want to go below that, because in a somewhat similar legislation elsewhere Rs. 10 is the maximum that has been provided for.

Let the Hon'ble Mr. Suhrawardy take a little time to consider this amendment. I do not want him to reply on the spur of the moment.

The Hon'ble Mr. H. S. SUHRAWARDY: I don't know, Sir, whether it is a reasonable amendment or not, but, in any case, I should like to take time to consider it.

Mr. SPEAKER: What about motion No. 541 moved by Dr. Suresh Chandra Banerjee?

The Hon'ble Mr. H. S. SUHRAWARDY: I oppose the motion, Sir.

Dr. NALINAKSHA SANYAL: Amendment No. 541 is just the same in language as the Hon'ble Mr. Suhrawardy's new amendment No. 24 which has not been moved. It appears that Government at one stage must have thought it very important!

The Hon'ble Mr. H. S. SUHRAWARDY: And obviously, when I do not move it at the present moment, my view is that it should not be incorporated in the Act. It is hardly in keeping with a democratic Legislature to move an amendment of this nature. (Laughter.)

Dr. NALINAKSHA SANYAL: A democratic Legislature has got nothing to do with any such thing.

The motion of Dr. Suresh Chandra Banerjee that after sub-clause (4) of clause 15, the following new sub-clause be added, namely:—

"(5) Such Court may direct that any person making an application under section 14, which is frivolous or vexatious shall pay

to the money-lender against whom such application has been made, compensation of such amount as the Court considers equitable".

was then put and a division taken with the following result:—

AYES—32.

Banerji, Mr. P.
Banerjee, Dr. Suresh Chandra.
Burma, Babu Premhari.
Barman, Babu Shyama Prosad.
Bose, Babu Upendra Nath.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Chakraborty, Babu Narendra Narayan.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Datta Gupta, Miss Mira.
Kumar, Mr. Atul Chandra.
Mahtab, Mr. Surendra Mohan.
Maji, Mr. Advaita Kumar.
Mal, Mr. Sewaz Chandra.
Mukharji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Pramanik, Mr. Tarinicharan.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamakrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Khiori Pati.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Rai Bahadur Jogesh Chandra.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Hirendra Kumar.

NOES—50.

Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. alias Lal Mia.
Abdulla-Al Mahmood, Mr.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Aftab Hosain Joardar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Hosain, Mr.
Altaruddin Ahmed, Khan Bahadur Maulvi.
Amed Hossain Khan, Maulvi.
Chippendale, Mr. J. W.
Dey, Rai Sahib Kirit Bhusan.
Fazlul Quadir, Khan Bahadur Maulvi.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gupta, Mr. J. N.
Hamiduddin Ahmad, Khan Sahib.
Hatemaliy Jamadar, Khan Sahib Maulvi.
Idris Ahmed Mia, Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Mahiuddin Ahmed, Dr.
Mahiuddin Ahmed, Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Millar, Mr. J.
Mosain Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nazir Shah, Nawabzada R.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Ranjit, the Hon'ble Mr. Prasanna Deb.
Rejibuddin Tarafder, Maulvi.
Sadaqeddin Ahmed, Mr.
Sarkar, Babu Madhusudan.
Sikdar, Babu Litta Munda.
Smith, Mr. H. Brabent.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Walker, Mr. W. A. M.

The Ayes being 32 and the Noes 50, the motion was lost.

(Clause 16 disposed of.)

(Clause 17 does not arise.)

(Clause 18 disposed of.)

Clause 19.

Mr. ATUL CHANDRA KUMAR: Sir, I beg to move on behalf of Mr. Atul Krishna Ghose and Mr. I. D. Jalan that in clause 19 (*1*), lines 4 and 5, the words "with imprisonment which may extend to three months or" be omitted.

Mr. SASANKA SEKHAR SANYAL: Sir, in supporting the amendment moved by my friend, Mr. Kumar, on behalf of Mr. Atul Krishna Ghose, I beg to draw the attention of the Hon'ble Minister to the intention of tabling this amendment. Sir, my friend, the Hon'ble Minister, knows as any of us that there are two kinds of criminals—a criminal who is a criminal by animus and volition and a criminal who is adventitiously so. Now, Sir, it is proposed that for some defective filling up of forms a man might be converted into a criminal: that means, a man who is not otherwise a criminal would overnight become a criminal merely by an accident of law. Since this law is going to be a very new one, we would not be surprised if a very honest and decent man of society would involuntarily and unwillingly without any fault on his part be converted into a convict within the meaning of this Act. I beg to draw the attention of the Hon'ble Minister to a particular illustration. The Hon'ble Minister has been a lawyer of reputation for a long time, and I know he has dealt with various criminal cases. We know that in rioting cases particularly, a man is convicted under sections 379 and 147. But we know as lawyers that probably he is not sentenced under section 379 but he is sentenced under section 147. All the same, he is convicted both under sections 379 and 147. But he knows just as others also know that he is an offender only under section 147. Technically he remains an offender under section 379 and thus becomes a criminal within the meaning of this law and for the purpose of this Act. So without any fault of his, he would be converted into a criminal overnight by a stroke of the pen of the Legislature. Of course, we all know that ignorance of law is not an excuse but that is all the more reason why a Legislature which propounds a new scheme of law ought to be careful that people are not led into pitfalls out of their ignorance. There is a penalty provided for in the shape of fine. The law is going to be a new one and a sort of revolutionary one and in trying to give relief to a particular class of people, we are going to convert an unwary and innocent class of people into a new set of criminals. It is no use trying to treat the disease at one portion of the body-politic and introduce disease in another portion of the body-politic. I hope the Hon'ble Minister will accept the amendment in the spirit in which it has been tabled and delete the provision for imprisonment by retaining the provision for fine as it is.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I see no reason why the amendment should be accepted. It is not a case of mere ignorance of law. Ignorance of law in a person may be sometimes looked upon with a certain degree of leniency although, in fact, it may be no excuse but in this case it is not a case of ignorance of law. It is a question not only of ignorance of law or fact but suppression of fact for the purpose of taking advantage of the good faith of others. This is a deliberate attempt to commit a fraud on court. A person who has been disqualified from holding a licence must know this fact. You will see that that disqualification can only arise if so ordered by a court, or where he has been convicted of an offence specified in the schedules to this Act. Now, a person ought to know full well about his own disqualification——

Rai HARENDRA NATH CHAUDHURI: How can he know in all cases?

The Hon'ble Mr. H. S. SUHRAWARDY: Surely a person ought to know when he is convicted, and if a money-lender is convicted——

Rai HARENDRA NATH CHAUDHURI: Then he must be an accused as well as a lawyer?

The Hon'ble Mr. H. S. SUHRAWARDY: I am certain that a money-lender, before he is convicted under sections 379 and 411, will engage lawyers who will be good enough to tell him that if he is convicted that will entail a disqualification——

Dr. NALINAKSHA SANYAL: That conviction has nothing to do with money-lending

The Hon'ble Mr. H. S. SUHRAWARDY: I think a person who does make an application after he has been disqualified is attempting to commit a fraud on the court——

Rai HARENDRA NATH CHAUDHURI: How do you assume that he would know it?

The Hon'ble Mr. H. S. SUHRAWARDY: In that case, the proper amendment should have been in clause 12 (4), when he should have moved that at the time when he is convicted of an offence specified in the schedules to this Act, he should at the same time be informed of the fact that he has been disqualified for holding a licence. The only difficulty with regard to that is this: that if there appears in the court a thief or a receiver of stolen property it is not possible for the court to

know that the thief or the receiver of stolen property is also a money-lender. And the court cannot be expected, whenever there is a conviction under any of these sections specified in the schedule, to inform the person convicted that in case he happens to be a money-lender he is also disqualified under section 19A.

Dr. NALINAKSHA SANYAL: There is no way out of this position.

The Hon'ble Mr. H. S. SUHRAWARDY: So I submit there is no possibility of informing the gentleman. He must know his own position. For this reason I do not think I can accept the amendment which has been moved.

I should like to say one thing more with regard to this. The court has got discretion in the matter. The court is not going to send him to three months' imprisonment unless the court is satisfied that there has been a case of deliberate fraud. These punishments which are attached to the various penal sections are not imposed if the court find that the person has only committed a technical guilt and is not really morally guilty. I take it that the court only when it awards a punishment will take these facts into consideration and will award the extreme punishment when it finds that the person has been guilty of deliberate fraud.

I oppose the amendment.

The motion of Mr. Atul Krishna Ghose (moved by Mr. Atul Chandra Kumar) that in clause 19 (*1*), lines 4 and 5, the words "with imprisonment which may extend to three months or" be omitted was then put and lost.

Mr. SPEAKER: That disposes of clause 19.

Clause 20.

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to move that in clause 20(*1*), line 3, for the words "and shall write the same" the words "and the same shall be written" be substituted.

Mr. SPEAKER: You have got other amendments. What is the next one?

The Hon'ble Mr. H. S. SUHRAWARDY: I have got amendment No. 509. I feel, Sir, with regard to this that, if the House will allow me and you also will allow me, it should be postponed, because there are a certain number of considerations——

Mr. SPEAKER: You understand my difficulty.

The Hon'ble Mr. H. S. SUHRAWARDY: Yes. I know the difficulty, but there will be a considerable amount of speeches on the subject as well.

Mr. SPEAKER: It is not possible for me to postpone the discussion any more. We have been going on in this way.

The Hon'ble Mr. H. S. SUHRAWARDY: This relates to the writing of the accounts and the Select Committee stated that they should be written only in Bengali, whereas we move an amendment to the effect that they can also be written in English.

Mr. SPEAKER: You have got two alternatives: Either the account books will be written in English or in such other language as may be agreed upon.

The Hon'ble Mr. H. S. SUHRAWARDY: That comes later. No. 609 and No. 30 are not the same thing. No. 609 refers to books of account and No. 30 refers to clause 20 (2)(a). No. 609 refers to clause 20(1)

I beg to move that in clause 20(1), line 4, after the words "in Bengali" the words "or English" be inserted.

The implication of this amendment is that every money-lender shall have to keep and maintain at least one cash book, one ledger and a receipt book in such form or forms as may be prescribed in Bengali or in English in the regular course of business.

Mr. SPEAKER: Are you going to move your amendment No. 30?

The Hon'ble Mr. H. S. SUHRAWARDY: I will move No. 660 instead.

Rai HARENDRA NATH CHAUDHURI: That is on another clause.

The Hon'ble Mr. H. S. SUHRAWARDY: I will move No. 619.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. Will Mr. Suhrawardy move No. 619 or will he also move No. 30?

The Hon'ble Mr. H. S. SUHRAWARDY: I am moving amendment No. 619 and not No. 30.

I beg to move that in clause 20(*b*)(*a*), line 3, after the words "in Bengali" the words "or English as the borrower may desire, and" be inserted.

Mr. SPEAKER: You are moving amendment No. 619. You have moved No. 609 and also new No. 28.

Rai HARENDRA NATH CHAUDHURI: We must have it clear from the Hon'ble Mr. Suhrawardy whether he is moving No. 619 and not new No. 30 which relates to the same thing. Amendment No. 33 is of a wider scope whereas No. 619 is of a more limited scope. The Hon'ble Mr. Suhrawardy ought to say point-blank whether he is moving No. 619 and giving up new No. 30.

The Hon'ble Mr. H. S. SUHRAWARDY: I am giving up No. 30 on account of the complications that may involve. It is a very small matter. We are calling upon the public to keep accounts in English or in Bengali. It would be very difficult to prove, one way or the other, what was the agreement between the borrower and the money-lender regarding the language at the time of giving the loan. Suppose a money-lender keeps his account in a language which is neither English nor Bengali and the borrower turns up and says "I have not received any account". The money-lender will say "I have delivered the account in a language which was agreed upon between us." The question before you would then be what was the language which was agreed upon between the parties. I think that makes the matter more complicated.

Mr. DHIRENDRA NATH DATTA: I beg to move that in clause 20(*b*), in lines 2 and 3, the words "in such form or forms as may be prescribed" be omitted.

I want to speak on this subject.

Mr. SPEAKER: Try to finish it within five minutes.

Dr. NALINAKSHA SANYAL: Why are you rushing through, we cannot follow.

Mr. SPEAKER: Because it is the month of June

Dr. NALINAKSHA SANYAL: That is all the more reason why we should not rush through.

Mr. DHIRENDRA NATH DATTA: I have got another amendment (No. 607). On these two amendments I want to speak together.

Mr. CURTIS MILLAR: I would like to suggest for the consideration of the Hon'ble Minister that some arrangement might be come to in the interests of persons whose native language is neither Bengali nor English. It seems rather hard that they should be forced to keep their books in a language which is not their own and I suggest that it might be reasonable to come to an arrangement by which they keep their books in any language they may choose but if there be any enquiry then they at their expense should provide a certified translation so as not to involve the court in difficulties in such cases.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 20 (2), in line 4, the words "in Bengali" be omitted.

Sir, I want to make the position very clear when I move this amendment.

Mr. SPEAKER: Let me finish all the amendments.

Dr. NALINAKSHA SANYAL: Ultimately we may not get our chance of speaking.

Mr. SPEAKER: You will get your turn.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 20 (2) (*a*), in line 2, after the word "statement", the words "in the language of the borrower or" be inserted.

I would also like to speak on this amendment, if you would permit me, later.

Mr. SHAHEDALI: Sir, I beg to move that in clause 20 (2) (*a*), line 3, for the words "in Bengali" the words "in the vernacular of the debtor" be substituted.

Maharaja SASHI KANTA ACHARYYA CHOUDHURY, of Muktagacha, Mymensingh: Sir, I beg to move that in clause 20 (2) (*a*), line 3, after the words "in Bengali" the following words be inserted, namely:—

"or in such other language as may be agreed upon between the money-lender and the borrower and"

Babu NAGENDRA NATH SEN: If you will permit me, Sir, I wish to move amendment No. 30 (new).

Mr. SPEAKER: It has been practically moved by the Maharaja.

Babu NAGENDRA NATH SEN: Let me also move it.

Mr. SPEAKER: I will see if it is necessary.

Rai HARENDRA NATH CHAUDHURI: May not Mr. Sen get our permission to move this amendment? It is of wider scope than the Hon'ble Mr. Suhrawardy's.

Mr. SPEAKER: It is practically the same for this reason. Mr. Suhrawardy has moved an amendment for the insertion of the words "or English". This means English plus an agreed language. So, if his amendment is not carried, then what remains is really this amendment, which is practically the same as that moved by the Maharaja.

Rai HARENDRA NATH CHAUDHURI: Here the two things are tacked together.

Mr. SPEAKER: I think that it is better to keep them separate.

I may inform the House that the amendments on clauses 20 that remain are Nos. 571, 575, 609, 613, 617, 619, 621 and 28 (new). All these are now open to discussion.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, the sum total of the amendments Nos. 571, 572 and 575-607, if accepted, will mean that sub-clause (*1*) of section 20 will read as follows:—

> "Every money-lender shall keep and maintain at least a cash book, a ledger and a receipt book and the same shall be written in the regular course of business".

What is omitted is "in such form or forms as may be prescribed and shall write the same in Bengali". The upshot of all the motions is this that this clause deals with the writing of the accounts. Sub-clause (*2*) deals with the delivery of the statement and receipt when demanded by the borrower whereas sub-clause (*1*) deals with the writing of accounts of the money-lender. Sir, I hope that the members of this House will remember that sub-clause (*1*) deals with the writing of accounts only. We all desire that in the keeping of accounts there must be a cash book, a ledger and a receipt book. These we all want. What we want to omit is this: "in such form or forms as may be prescribed and shall write the same in Bengali". We are anxious that there should be

money-lending business in the mufassal and in the city of Calcutta. We do not want that the money-lending business should be stopped altogether for the sake of the credit of the country and if money-lending business is stopped, many persons will suffer—not the money-lenders so much as the borrowers and the debtors. We do not want that to happen. We want that the money-lending business should be regulated and for that we want that a cash book, a ledger and a receipt book must be maintained by the money-lender, but the words "in such form or forms as may be prescribed" are unnecessary. There are small money-lenders—and you know there are small Bengali firms—who keep their accounts in a particular way and so far as the banks and the loan companies are concerned, they maintain their books in a particular form. But what is required is this that the cash book and the receipt book will show the amount received and the ledger will show the amount that has been received from the debtor and the amount that still remains outstanding from the debtor. So, Sir, the form is absolutely unnecessary. In Bengal there are money-lenders—Marwari money-lenders who may keep their accounts in their own language. There may be a money-lender who knows Urdu only, and he may keep his accounts in his own language. There may be a money-lender who is an Englishman and also a banker. There are many banks and loan companies in the mufassil who keep their accounts books in English—some in English and some in Bengali. If we are to enforce that all the account books (cash book, receipt book and the ledger) must be maintained in Bengali—it is absolutely unnecessary—a Marwari money-lender will not be able to keep his cash book, the ledger and the receipt book in Bengali. A loan company which maintains and keeps its accounts in English cannot be compelled to keep its account books in Bengali. As a matter of fact what is essential is that the cash book, the receipt book and the ledger must be maintained and those are the three things which are absolutely necessary. If these books are kept, it is absolutely unnecessary to say that they should be maintained in Bengali. Of course, so far as clause 2 is concerned, what is required is that when a borrower pays a certain amount to a money-lender and wants a receipt, he must get the receipt in Bengali or in the language of the borrower so that he may understand that what has been paid has been entered in the receipt. But so far as the writing of accounts is concerned, this can be done in the language of the money-lender himself. So I think in this matter we can agree that a cash book or a ledger may be maintained in the language of the money-lender, for there is absolutely no reason why these things should be maintained in Bengali and in the form or forms prescribed by Government—there is the Bengali form, Marwari form, and English form.

With these few words, Sir, I submit that every one of us will agree that these words are unnecessary and should be deleted.

Dr. NALINAKSHA SANYAL: Sir, I rise to say a few words on the amendments moved by me—Nos. 575—607. It appears that it is one of the few amendments in the whole Bill where all the parties irrespective of their political alliances thought alike and you would observe from the notice given that practically members of all groups have thought in the same manner as I have done, in thinking that this restriction to the Bengali language only in the keeping of accounts is unnecessary and would work great hardship on the people of the province.

Sir, it is an irony of fate that an Hon'ble Minister who himself does not speak Bengali is pleading the cause of the Bengali language in this section of the Bill. It is also an irony of fate that we on this side that have been crying hoarse over the privilege of having the Bengali language placed in the highest pedestal that it deserves, have got to move the deletion of the words "in Bengali" from this particular clause, and, Sir, there must be very weighty reasons on both sides for the same. On the one hand the Hon'ble Minister, although he himself is not so much enamoured of the Bengali language as to think that he should himself learn the same, is actuated merely by the feelings of political clap-trap, whereas on the other hand we of the Congress Party have got to examine the implications of every enactment and have to examine it from the point of view of its practicability and its effect on social justice.

Sir, in the recording of money-lending transactions there are several stages that can be contemplated. In the first place, there is the stage of the individual creditor himself for his own purposes keeping a record of the transactions that he has got to keep for his own information. Sir, it would be a very sad thing for any Legislature just for the sake of political clap-trap to intrude upon the privacy of a person and to compel him to keep his own account which is not to be disclosed to anybody in a manner that he cannot possibly maintain. We in Bengal have kept our doors open for different communities, people speaking different languages, people that have made Bengal their home and want to have all their life-time spent in Bengal, in the service of Bengal, although they may be speaking different languages. You are aware, Sir, that the province has got numbers of people speaking no less than about 200 languages; we have got the Nepalese, the hillmen; we have some Englishmen that have adopted Bengal as their home; we have got persons coming also from Ispahan, Teharan and Kabul as also persons from Guzrat and other places in India; persons who cannot possibly be thought of being capable of keeping a record either in Bengali or in English. I can quite understand the anxiety of the Hon'ble Minister to just make a concession to the English friends of his by adding the word "English" in addition to "Bengali" but what about those numerous persons who have resided in Bengal and have made Bengal

their home, but unfortunately for them, have as yet not been in a position to keep all their transactions recorded in the Bengali language or the English language? Sir, for them at least, there is no reason why we should compel them to keep their own accounts which are not supposed to be available to anybody for inspection in Bengali and not in any manner that they like.

Then there is the second stage in which the person has got to give a receipt or any evidence of an account with him to the borrower. We have conceived of situations like these. Therefore we propose that the language in which such statements have got to be given to the borrower and the accounts to be produced to the borrower must be either in Bengali or in any other language that has been agreed to between the borrower and the lender or in the language of the borrower himself. If a borrower receives an account or receipt or a copy of a document purporting to record the terms and conditions of the transaction, such statements and documents must be in the language which is readily capable of being understood by him. There cannot be any reason why we should intrude upon the privacy of a person just because he is a money-lender and ask him to keep accounts in his own home in a manner in which it will be extremely difficult for him to keep.

Then, Sir, there is also the third stage in which annual accounts have got to be furnished. We have conceived of a situation in which annual accounts have got to be given regularly by the creditor to the borrower at stated times, or by the creditor to the borrower on demand. In both the cases, the account should be submitted in the language of the borrower or in any other language that the borrower and the lender may have agreed upon or in the Bengali language whichever is convenient to the parties. But, Sir, what is the sense, what is the meaning of keeping accounts in a language which is not to be understood by the borrower or by the lender? We have got in the city of Calcutta men like my honourable friend, Mr. Abdur Rahman Siddiqi who represents a Chamber of Commerce that has got a very large number of clientele who speak neither Bengali nor English but whose business is helping the city of Calcutta in maintaining its proud position as one of the most progressive cities of the world, whose business in the Cootola area has ramifications all over the province and if you go to them you will find that they keep their accounts neither in Bengali nor in English. Would you like all those friends of Mr. Abdur Rahman Siddiqi and the Chamber of Commerce that he represents to change overnight all their records and books either into the English language or into the Bengali language? Is it practical? I submit that this is neither possible nor desirable for an individual. Must be left free to have his own accounts in the manner he likes, but when he comes forward to present that account either to the borrower or to any other place where he is required to produce it, let him then submit the account

in a form that is intelligible to the borrower or to the people of the province. That much we are prepared to support, and our amendments are to that effect. Sir, I submit that this is a very serious matter. If the Hon'ble Minister just for the sake of cheap applause has moved this amendment, then let him consider very carefully what implications this amendment will have and what effect will it have upon the whole community in the province. I submit, Sir, that the Hon'ble Minister will ultimately, having considered the question over again—as he has had done already by one somersault in the case of commercial loans—make another somersault if he is given a little more time.

Mr. SPEAKER: After using the word "somersault", do you still expect that the Hon'ble Minister will consider the matter? (Laughter.)

Dr. NALINAKSHA SANYAL: Yes, Sir, I expect that he will make a somersault only if the reason is still there, but I do not know whether the same reason still exists. He has managed to give a friendly gesture to his European friends by taking out the words "in Bengali", but if his English friends are really sincere, then the amendment that has been tabled by so many European members will not be allowed to be defeated with this little concession to them for their own personal convenience arranged for, and, I think the concession offered by Mr. Suhrawardy will not be accepted as a bribe to take them over to the Government side when a division will be called on this amendment.

Mr. SHAHEDALI: Sir, clause 20 provides for two things, first that an account should be kept in Bengali in the regular course of business, and, secondly, that the creditor should supply a statement to the borrower in the same language. Now the borrower wants a statement for his own purpose and also to know the contents of the original record. In Bengal people speak about 200 languages. Now, if the statement be given in Bengali alone, then hundreds of debtors, speaking different languages, will not be benefited at all. If my amendment is accepted, then the borrower shall know the contents, and he can use it for his own purpose at any time.

Under the circumstances, I press my amendment for the acceptance of the House.

Babu NAGENDRA NATH SEN: Mr. Speaker, Sir——

Mr. SPEAKER: Mr. Sen, I hope you will be very brief.

Babu NAGENDRA NATH SEN: Yes, Sir.

It would have been better and more convenient if sub-clause (*2*) of clause 20 had been taken up together with sub-clause (*1*). Sub-clause (*1*)

refers to the keeping of accounts by the money-lender himself, and sub-clause (2) refers to the dealings between the money-lender and the borrower.

Now, the clause, as it has emerged from the Select Committee, makes it obligatory upon the money-lender to keep all his accounts in Bengali. There are some banks, there are some loan companies registered under the Indian Companies Act, and it is well known that under the provisions of the Indian Companies Act some books must be written in English. But if there is that obligation and that compulsion under the provisions of the Indian Companies Act, I do not know whether the omission of the words "in Bengali", as has been proposed by Dr. Sanyal of our side and which was also proposed to be moved in amendments Nos. 575-607 of the European Group and other Indian friends, will be accepted by Government, but as far as I am concerned, I fail to see why Government should not accept the deletion of the words "in Bengali. We cannot expect a money-lender, when he has got a business registered under the Indian Companies Act, that, so far as his dealings with the borrowers are concerned, he will maintain a separate set of books of account in the Bengali language.

So far as his dealings with the Registrar of the Joint-Stock Companies are concerned, in order to have the privileges of bankers' books being regarded as evidence, he or rather, his company, will have to maintain another set of books in the English language. That is a difficulty, Sir, which ought to be in the mind of the Hon'ble Minister who has moved one of these amendments.

As has been pointed out by Dr. Sanyal, Sir, it is an irony of fate that we Bengalis should, in the fourth line of sub-clause (1) of clause 20, try and endeavour to omit the two words "in Bengali". The reasons have been given by him *in extenso*, and I think if it is not done it will complicate matters, so far as the incorporated companies are concerned. So far as they are concerned, I am of opinion that this concession ought to be made, and as regards their books of account there should not be any compulsion that they must be maintained in Bengali, while the law of the land makes it obligatory upon the companies to maintain their books in the English language.

Then as regards the question of prescribed forms, I submit, Sir, that there is no meaning, no sense at all in pressing for them. It would be all right in my opinion if the forms, in which the registers and books are kept by the money-lenders convey the idea as to what is the principal, what is the interest, what is the amount of interest that has accrued, how much has been paid and how much has got to be paid still. In the case of prescribed forms, that will entail the necessity of expending a certain sum of money which will profit neither

the debtor nor the creditor. The debtor cannot insist that the accounts should be kept in a certain form which is prescribed neither by himself nor by the lender but by Government. It only complicates business.

Then, again, no one can contest the fact that a lender will have to maintain a cash book, a ledger and a receipt book. All these things are provided for in the Indian Companies Act, and, therefore, Sir, there is nothing new in clause 20, sub-clause (*d*), about the amendment regarding cash book, ledger and receipt book.

I submit, therefore, Sir, the honourable members of this House will accept the amendments which have been tabled from our side, as also by the European Group.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, I would not have taken part again in this discussion but for the signal honour conferred upon me by the official spokesman of the Congress Party (Dr. NALINAKSHA SANYAL: Not official but unofficial spokesman!) (Laughter)—I stand corrected—the unofficial spokesman of the Congress Party, by naming me twice in his speech. He has had several conceptions. He has laboured hard to bring something reasonable out of his speech, but his efforts appear to have been abortive and ill-conceived.

Sir, he has accused the Hon'ble Minister of having indulged in cheap political clap-trap, because, in his view, by just mentioning "Bengali" the Hon'ble Minister was perhaps trying to gain cheap popularity in the public eye, particularly as he did not know the language as efficiently and well as the learned doctor did. This was, to put it mildly, rather unkind. I understand that the Bill comes from a department of which the Hon'ble Minister is not in charge; and, so far as I know, the Minister in charge of the department is as good a Bengali scholar and knows the language as well as any member in this House including the doctor himself.

With reference to the question of the language to be used, the honourable and learned doctor has indulged in many a political theory—the welcome that Bengal has given to various kinds of people; Bengal trying to mother the various languages and peoples, and so on and so forth.

What did, however, surprise me—and here I do wish the learned doctor will please take note of what I say—that in order to gain cheap popularity, the honourable and learned doctor has uttered words which are not germane to the subject under discussion. Even if it is a question of language, Sir, I expected, a stalwart champion of the Indian cause like the learned doctor, to say something about Hindi or Urdu, because that, as accepted by all political parties in this country, is to be our national language when in God's good time we get rid of the English language. Such a political myopia, and such a lacking of

long-sightedness on the part of the "unofficial" spokesman of the Congress Party is astounding. He has again said, Sir, that the Chamber which I have the honour to represent contains people who keep their accounts in Gujarati or Gurmukhi or in some other script of our country. They do, but he has made the serious mistake of associating members of my Chamber with money-lending business. Very few of them perhaps, none at all, do it, because such a business, fundamentally, would be *haram* to a Muslim, forbidden by his religion, and secondly, my colleagues in the Muslim Chamber of Commerce do real commerce and trade. They shall not become money-lenders. To show such colossal ignorance of the intention and policy of the Bill thus as was again received to the learned doctor. This Bill, so far as I understand it, is intended to protect the peasants and the villagers of Bengal. Rural indebtedness is the curse of our country and any attempt to save——

Dr. NALINAKSHA SANYAL: Have you read the Bill?

Mr. ABDUR RAHMAN SIDDIQI: Sir, am I expected to answer this question and these interruptions? The colossal ignorance may be not on my part but on the part of the honourable member who has tried to indulge in legal quibbles. Let us hope that he will try to widen his imagination and see the policy behind this Bill. We have to save the villagers and the peasants. You may try by your legal quibblings to help that terrible institution, the money-lender, who has been sucking the blood of our fellow countrymen in the countryside. You may talk tall about nationalism, you may talk tall about all sorts of institutions, but when things come to definite problems, then it is again the Bania mentality that seems to become supreme. For once try in God's good name to look at things in their proper perspective. For once try and get out of the old ruts. For once realise that there are people who are determined to serve the villagers. The language of the villagers of the province happens to be Bengali, and it is this language in which money-lenders should keep their accounts in Bengal. I do not know why we have been talking of English and of other languages. Even if a member of my Chamber wishes to do money-lending business, I hold that when he goes into the rural areas of Bengal, he must be compelled to write his accounts in a language which the poor villager understands so that he may not be robbed and victimised. If the learned doctor is not prepared to stand up for the language for which Mahatma Gandhi and Hakim Ajmal Khan stood up —he never even once mentioned its name in his oration of to-day—then, Sir, let us at least stick to the language which is likely to protect, to the largest possible extent and in the widest possible manner, the poor and helpless villagers of Bengal.

Maulvi ABU HOSSAIN SARKAR: Sir, we, the members of the Krishak-Praja Party are in favour of the Bengali language. Therefore, we support the original clause as it emerged out of the Select Committee. We are not in favour of the English language also, as my honourable friend Mr. Siddiqi said that in rural Bengal Bengali is the spoken and written language. We are not in favour of English, because our country people who borrow and who are agriculturists are not well versed in it. So, it is our duty to make our position absolutely clear on behalf of our party that we do not support either English or any other language except Bengali in the matter of money-lending business, so that debtors may know what is their fate and what would be their fate in future. Therefore, we support the original clause as it emerged from the Select Committee.

Maharaja SASHI KANTA ACHARYYA CHOUDHURY, of Muktagacha, Mymensingh: Sir, since we have left out from the operation of this Act commercial loans, most of the money-lending business that will be done will be between small parties and it would be a hardship on them to restrict the language in any way. So, Sir, the suggestion that after the words "in Bengali" the words "or in such other language as may be agreed upon between the money-lender and the borrower" may be accepted. We do not want to restrict the action of either the lender or the borrower. If the lender and the borrower come to a mutual agreement to keep their accounts in a certain language, the lender is quite at liberty to keep his accounts in that language. Under these circumstances, I think the amendment is self-evident and does not require any further explanation.

Mr. JOGESH CHANDRA GUPTA: Sir, may I ask the Hon'ble Minister in charge of the Bill to consider two points in connection with this provision? In the Select Committee, the majority decision was in favour of maintaining the account books in Bengali. There was some reason or justification behind it, namely, that this province ought to encourage keeping accounts in Bengali. But the moment the Hon'ble Minister has agreed to allow English to be brought in, I am afraid he cannot resist the force of the argument in favour of allowing other languages to be used in maintaining accounts. If you compel a gentleman who does not know English or Bengali to maintain accounts in Bengali, you leave him at the mercy of his Bengali or English-knowing clerk. He cannot at the end of the day make sure personally that his accounts are being kept properly and in the regular course of business, and, if for any default, he is prosecuted, I am afraid, he will be able to plead that he is ignorant of the languages in which the book is to be kept. The law enforces the keeping of books in languages which he does not know, and therefore he is not liable.

Secondly, I would ask my friend, Mr. Siddiqi, to consider one thing. The restrictions that have been put on commercial loans will necessitate, for the safety of persons who deal in money-lending business, taking out a licence.

You know you have put in some penal clauses and if I were to advise a trader, I would advise him not to lay himself open to the risk of harassing prosecutions by some disgruntled customers of his who may say "this was a loan which he had given me not for commercial transactions; he has not taken out a licence and he should be prosecuted." Under such circumstances, I am sure if the Money-lenders Bill is passed into law, many of the commercial people who deal in commercial loans would be well advised to take out licences lest they should fall under difficulties. You will be forcing those persons; they will have to take licences as a protective measure and also to maintain account books. We know that there are here many Marwari businessmen who deal in money-lending transactions. They do not keep a very big establishment, possibly they cannot maintain a very big establishment and when we want to lower the rate of interest we ought also to see that, in order to prevent fraud and dishonesty, we do not burden them with too much extravagant expenses, namely, maintenance of different sets of account books. These are the considerations which the Hon'ble Minister has got to weigh and seriously consider before the clause is put to vote and passed into law. I think the Hon'ble Minister will take time to consider these things. May also request him in a matter like this to give us an opportunity to have a further discussion? If he allows an alternative language, I mean the English language, with what force or reason can he resist the legitimate demand of others to maintain their account books in their own language? I wish that in all cases the copies should be given in the vernacular of the borrower, so that there may not be any difficulty. I know it may be said that unless we enforce a particular language, Bengali or English, inspection of accounts may be difficult if accounts are produced in different languages. We are having this every day in the courts. Go to the High Court or to the Small Cause Court. You will see that no court requires that they should bring in account books written in the language which the court can understand. They are required to supply authentic copies of their books of accounts and for the little inconvenience that may be caused to the lawyers not conversant with a particular language in which the account is kept, I think we ought not to put the money-lenders or even the persons dealing in commercial transactions into difficulty. I find my friend Mr. Abdur Rahman Siddiqi has returned. May I with your permission repeat that in this case he has omitted to consider that the persons dealing in commercial transactions will be advised to take out licences, so that they may not be put into difficulties having regard to the penal clauses that

have been provided. Well, that is all I should say with regard to the penal clauses that are going to be passed in connection with section 37. All these points ought to be considered. This is not a matter which can be lightly decided upon, but if you say that in Bengal we shall see, as was stated in the Select Committee, that we must provide employment for Bengali-knowing people and compel the Europeans and other merchants to employ Bengalees, I can understand this principle. If you give that up, and allow the English language also, then you ought to allow the money-lenders to maintain their books in the language which they can understand.

The Hon'ble Mr. H. S. SUHRAWARDY: May I take the amendments separately?

Mr. SPEAKER: Yes.

The Hon'ble Mr. H. S. SUHRAWARDY: The first amendment on which I desire to speak is the one moved by Mr. Dhirendra Nath Datta, viz., the words "in such form or forms as may be prescribed" be omitted. So far as this amendment is concerned, I think I must oppose it.

If the forms are prescribed, and the accounts are kept in the prescribed forms, there will not be any difficulty in the matter of inspection and in the matter of hunting out books of accounts and so on and finding out the places or pages where entries, which differ in different types of book-keeping, are made. If the various classes of money-lenders coming from various communities keep their books of accounts in accordance with their own fashion, it will lead to very many complications. I therefore, think that it would be advisable if we prescribed the forms and they kept their accounts in these prescribed forms. Of course, when considering this matter if we find that it is impossible to have simplified forms, it is not incumbent upon Government to prescribe these forms. The words in the section are "in such form or forms as may be prescribed". Obviously, this depends upon the practicability of the forms that may be prescribed by Government. I, therefore, oppose this amendment.

The amendment which has been moved by Dr. Sanyal to the effect that the books of accounts may be kept in the language of the money-lender has both merits and demerits in it. I do feel that there is something to be said from the point of view of the mover of the amendment. Not the arguments which he has put forward but the more cogent arguments of Mr. J. C. Gupta in this connection deserve consideration. I see no merits in the argument of Dr. Sanyal that we should provide that account books of a Madrasi money-lender or any Gujrati money-lender, who may have some books for his own private use, may be kept

in his own language. He may keep that account in the form of a *tokcha*; it is not contemplated to regulate such accounts. The formal accounts must be kept in English or in Bengali. What is contemplated is that the cash book, or the ledger or the receipt book should be kept in English or in Bengali in the regular form. And if a person keeps various other books of accounts in the regular course of business, which he keeps in accordance with the business which he carries on, then there is no reason why he should not keep them and why we should look into these books of accounts. Moreover, as Mr. Abdur Rahman Siddiqui has pointed out, we are dealing not with some special classes or a special class of people or with exceptions, but with a large mass and so far as this large mass of people in Bengal are concerned, they know either Bengali or English. There are many of them that understand an account which is delivered to them in the English language. (A voice: What percentage?) I am almost certain that all the gentlemen sitting opposite beginning from Mr. Sarat Chandra Bose down to every single member understand better an account delivered to them in the English language than in their own language. Therefore, if they happened to be borrowers, they would be able to appreciate an account delivered to them in the English language without any difficulty whatsoever. These two languages are convenient languages and cover practically the whole field, but I do feel there is something to be said for the argument raised by Mr. J. C. Gupta in regard to books of accounts to be kept by certain commercial firms. Although we have excluded commercial loans, we have made so many exceptions in them that persons who may incidentally go in for a little bit of money-lending or for giving things on credit to be returned with interest may feel that it is not safe to keep their books of accounts in the ordinary course of business in their own language and in accordance possibly with a complicated system and not enrol themselves as money-lenders.

Now, Sir, as Mr. Gupta has suggested that I should examine the provision a little bit further, if you will allow me, I will not place this amendment before the House to-day. Perhaps, to-morrow we shall be able to do so.

Mr. SPEAKER: I am prepared to do it, provided the House finishes the discussion up to clause 26 to-day.

Dr. NALINAKSHA SANYAL: We are not ready as far as that.

Mr. SARAT CHANDRA BOSE: Is Government ready to go up to clause 27?

The Hon'ble Mr. H. S. SUHRAWARDY: We are. I do not know whether we shall accept this amendment, but we should like to examine it further in view of the arguments which have been placed before the

House to-day. The amendments Nos. 613 and 617, which are practically the same, namely, that the statement should be delivered in the language of the borrower or in the vernacular of the debtor will create such difficulties in the future that I think it will create an impossible situation. It may be, as I said, that a large mass of borrowers may be Bengali-knowing or English-knowing but if a money-lender is compelled to deliver an account in the language of a person whose vernacular may happen to be Gurmukhi or whose vernacular may happen to be Hindi or whose vernacular may happen to be Punjabi, or any other foreign language which is not well known in Bengal, the difficulty would be that the money-lender would have to employ persons who will be able to write out the statement in all these various languages. I submit that this is a totally unnecessary refinement, and I would request the gentlemen who have moved these amendments to recognise the difficulties of making them practicable and to withdraw their amendments.

With regard to amendments Nos. 621-647, namely, that the account may be delivered in English or Bengali or in such other language as may be agreed upon between the money-lender and the borrower, Sir, I have deliberately not moved an amendment of a similar nature which stood in my name, as I anticipate great difficulties in this if the amendment is accepted. As to what was the language agreed upon between the borrower and the money-lender may have to be investigated in a suit and everything may turn upon whether the account has been delivered or not—on this preliminary question as to what was the language agreed upon and I think it will be creating unnecessary complications. We who are inhabitants of Bengal are carrying on business here, and the official language of Bengal is either Bengali or English. I think we should be content with these two languages and not go in for further complications. So, I would oppose all the amendments which have been moved and would request you not to put amendment No. 575 to vote to-day.

The motion of Mr. Dhirendra Nath Datta that in clause 20 (1), in lines 2 and 3, the words "in such form or forms as may be prescribed" be omitted, was then put and lost.

Mr. SPEAKER: Mr. Suhrawardy, you wanted to keep amendment No. 575 pending. Did you not?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir, and I also suggest that amendment No. 609 also be kept pending because they are inter-connected.

The motion of Dr. Nalinaksha Sanyal that in clause 24 (2) (a), in line 3, after the word "Statement" the words "in the language of the borrower or" be inserted, was then put and lost.

Mr. SPEAKER: Amendment No. 617 is covered by this motion. I take it that No. 619 is also of the same category.

The Hon'ble Mr. H. S. SUHRAWARDY: No, not No. 619, Sir. This relates to the "delivery of the statement".

Mr. SPEAKER: To avoid complications, I think it would be better to leave this as well till to-morrow.

The Hon'ble Mr. H. S. SUHRAWARDY: All right, Sir.

Clause 21.

Dr. NALINAKSHA SANYAL: I beg to move that in clause 21 (*1*), in line 3, the words "in the language of the borrower or" be inserted after the word "accounts."

Here I stand on the same principle that I have already enunciated.

Mr. SPEAKER: You have got some other amendments also.

Dr. NALINAKSHA SANYAL: Yes, I shall speak later.

Mr. SHAHEDALI: Sir, I beg to move that in clause 21 (*1*), line 3, for the words "in Bengali" the words "in the vernacular of the debtor" be substituted.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that in clause 21 (*1*), line 3, after the words "in Bengali" the words "or English, as the borrower may desire" be inserted.

Mr. SURENDRA NATH BISWAS: Sir, may I have your permission to move the amendment standing in the name of Mr. I. D. Julan?

Mr. SPEAKER: Yes, you can do that.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in sub-clause (*1*) of clause 21, in line 3, after the words "in Bengali" the following words be inserted, namely:—

"or in the language understood by the borrower, or in such other language as may be agreed upon between the money-lender and the borrower."

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 21 (*2*), in line 6, the words "and on payment of the prescribed fee" be inserted after the word "outstanding".

Mr. RASIK LAL BISWAS: আমি move করেছি, আমার একটু পরিবর্তন আছে, তা আমি Sir, আপনাকে জানিয়ে দিচি।

Mr. SPEAKER: Yes, you can do that.

Mr. RASIK LAL BISWAS: Sir, I beg to move that in clause 21 (2), in line 7, after the words "in the demand," the following words be inserted, namely:—

"within 30 days from the date of receipt of the written demand by the money-lender or his duly authorized agent."

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that in clause 21(2), line 7, after the words "in Bengali" the words "or English, as the borrower may desire" be inserted.

Mr. SURENDRA NATH BISWAS (on behalf of Mr. I. D. Jalan): Sir, I beg to move that in sub-clause (2) of clause 21, in line 7, after the words "in Bengali" the words "or in the language understood by the borrower or in such other language as may be agreed upon between the money-lender and the borrower" be inserted.

Dr. NALINAKSHA SANYAL: I beg to move that in clause 21 (2), in line 7, the words "in the language of the borrower or" be inserted after the word "statement".

Sj. NARENDRA NATH DAS GUPTA: Sir, I beg to move that in the proviso to clause 21(2), line 3, for the word "three" the word "six" be substituted.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that in clause 21(4), for the words "Bengali year commencing on the first day of *Baisakh*" the words "year for which the accounts of the money-lender are ordinarily maintained in his own books" be substituted.

Babu NAGENDRA NATH SEN: May I have your permission, Sir, to move amendment No. 33 (new list) standing in the name of the Hon'ble Mr. H. S. Suhrawardy?

Mr. SPEAKER: Yes, you can move it; but I think it has been practically moved in other amendments.

Babu NAGENDRA NATH SEN: Then, Sir, with your permission, I beg to move that in clause 21(2), line 7, after the words "in Bengali" the words "or English as the borrower may desire or in such other language as may be agreed upon between the money-lender and the borrower" be inserted.

Maulvi ABU HOSSAIN SARKAR: Sir, I have made the position of our party clear, while discussing a previous clause, that we are in favour of the Bengali language. We follow the same principle here also. We are in favour of retaining Bengali for all purposes for the keeping of accounts. Our object is, as I explained in my last speech, that the borrowers of our country are generally agriculturists and that their mother-tongue is Bengali. Still the firms, as far as I know do not employ Bengali young men in their firms. Therefore if they are compelled to keep their accounts in Bengali, they will be forced to keep some of the unemployed Bengali young men.

Therefore, Sir, I oppose all the amendments which have been moved to insert the words "in any other language" after the words "in Bengali."

Mr. RASIK LAL BISWAS: বাংলা কিংবা অন্য কোন ভাষা নিয়ে আমার amendments কোন ঝগড়া নাই। আমার বিষয়টা হচ্ছে নূতন জিনিষ, এখানে যে sub-clause (2) তে বলেছে in respect of any particular loan, whether advanced before or after the commencement of this Act, a money-lender shall, on demand being made in writing by the borrower at any time while the loan or any portion thereof remains outstanding, supply to the borrower or any person specified in that behalf in the demand, within thirty days from the date of intimation of that demand made to the money-lender or to the duly authorised agent, a statement in Bengali signed by the money-lender or his agent

আমার কথা হচ্ছে এখানে money-lender এর কাছে যদি কেউ হিসাব চান সে হিসাব money-lender অথবা তার duly authorised agent (যদি কেউ থাকেন), তিনি সেই হিসাবের notice পাবার এক মাসের মধ্যে borrower কে হিসাব দিতে বাধ্য থাকবেন। আমরা মফঃস্বলের অবস্থা, কারা বিশেষভাবে অবগত আছি তাঁরা সকলেই জানি সেখানে অনেক সময় দেখা যায় যে money-lender যে কত টাকা সুদে আসলে করে বসে আছে borrower তা কিছুই জানতে পারে না। তার যে কতটুকু দেনা আছে তার সেটা জানবার কোন উপায় নাই। অবশ্য এই money-lenders' বিল সেই সমস্ত ব্যবস্থা আছে money-lender এর কাছে যদি borrower হিসাব জানতে চান তা তিনি জানিয়ে দিতে বাধ্য হবেন। কিন্তু কতদিনের মধ্যে কিভাবে দরখাস্ত করলে, কিভাবে জানাবে তিনি জানিয়ে দিতে বাধ্য থাকবেন, সেটা স্পষ্ট করে কিছু বলা হয় নাই। সেইজন্য আমি amendment দিয়েছি তাহা পরিষ্কার করে বলতে চাই। বেশী আর এ নিয়ে যেন গণ্ডগোল না হয়। যেদিন money-lender অথবা তার duly authorised agent জানতে পারবেন যে borrower হিসাব জানতে চায় সেদিন থেকে ৩০ দিনের মধ্যে তাকে প্রার্থনাকারী হিসাব borrower কে জানাতে হবে। এই amendment না গ্রহণ করলে borrower ও money-lender, উভয়েরই অসুবিধা। ইহা স্পষ্ট নির্দ্ধারিত না থাকলে money-lender কি করে জানবেন যে, কতদিনের মধ্যে তাকে হিসাব দিতে হবে? সুতরাং এই sub-clause কোন কাজে আসবে না। সেই কারণে এই clause কে বিশেষ কার্য্যকরী করবার জন্য —borrower এর উপকার করবার জন্য এই বিল যারা রচনা করেছেন তাঁদের এই উদ্দেশ্য

ছিল ব'লে আমরা যখন দুবারে নিয়েছি) এবং সেই উপকার যাতে পায় সেইটে প্রতিপন্ন করবার জন্য আমার এই amendment আনা। গভর্ণমেণ্টকে কোন অসুবিধায় ফেলার জন্য এই amendment নয়। যদি এখানে এটা না দেওয়া হয় তা'হলে বর্ত্তমান অবস্থাই চলতে থাকবে। Borrower রা অধ্যস্ত ক'রে money-lender দের কাছ থেকে কোন উত্তর পাবে না। তাতে তাঁরা যে তিমিরে সেই তিমিরেই থাকবে অথবা বছরে যে একবার হিসাব পাবে তারপরে আর একবার যদি তার হিসাবের কোন প্রয়োজন হয় তা'হলে আর সেটা পাবে না। আমি গভর্ণমেণ্ট এবং তাদের সহকারী যাঁরা, এবং এই বিলের যাঁরা রচয়িতা, তাঁদের প্রত্যেককে এই বিলের বিষয়গুলি ভেবে দেখতে অনুরোধ করি। এই বিলে যে spirit দেখা দিয়েছে সে বিষয় তাঁরা যেন একটু চিন্তা করেন এবং আমার এই amendment গ্রহণ করেন।

Sj. NARENDRA NATH DAS GUPTA: আমি যে সংশোধনী প্রস্তাব কোরেছি সেটা বিশেষ জটিলও নয় এবং তাতে বিশেষ চিন্তারও কিছু নাই। আপনারা বর্ত্তমানে যে আইনটা রচনা কোরেছেন, সে হোচ্ছে যারা হতভাগ্য তাদেরি সুবিধার জন্য। পৃথিবীতে যে কোন সমাজ ব্যবস্থাতেই ঋণ গ্রহণের প্রয়োজনীয়তা আছে। (A MEMBER FROM THE COALITION PARTY: জোরে বলুন।) অনেক সময়ই মানুষের নিজের অর্জ্জন বা সঞ্চয় তার প্রয়োজন পূরণ করবার পক্ষে পর্য্যাপ্ত নয়। এবং যখনই আকস্মিক বিপদের জন্য বাইরে থেকে অর্থ আহরণ কোরতে বাধ্য হোতে হয়—তখনই মানুষের ঋণ গ্রহণের কথা ওঠে। কাজেই দেখা যাচ্ছে যে বর্ত্তমান আমাদের প্রচলিত সমাজ ব্যবস্থাতে মানুষের বিপন্ন অবস্থা থেকে উদ্ধার হবার জন্য অথবা ব্যবসায় দ্বারা আর্থিক উন্নতি সাধনের জন্য একে অপরের কাছ থেকে ঋণ গ্রহণ কোরতে বাধ্য হয়। এখানে আমাদের সম্পূর্ণভাবে, যারা ঋণ গ্রহণ করে, তাদেরই সুযোগ, সুবিধার দিক দিয়ে বিষয়টা দেখতে হবে। সরা নাকি অর্থবান তাদের ইচ্ছামত সুবিধা ও পরিতুষ্টি—তাদের অর্থদ্বারাই লাভ হোতে পারে সেইজন্য সেটাকে প্রধান বিষয় করা এ বিলের উদ্দেশ্য নয়। যারা টাকা দিয়ে ব্যবসা চালায় তারা যে সমাজকে কিছু সেবা করে না তা নয়। কিন্তু তাদের জন্য এ আইন নয়। এবং সমাজের দৃষ্টিও তাদের দিকে দেবার বিশেষ কোন প্রয়োজন নাই এবং আমরা জানি যাঁরা কুসিদজীবী তাঁদের স্বভাব তাঁদের বৃত্তির সঙ্গে সঙ্গে সাধারণতঃ এমন নিষ্ঠুর এবং নির্দ্দয় হোয়ে ওঠে যে যাঁরা তাঁদের টাকা করজ করে তাদের বাঁচবার বুদ্ধি এদের মধ্যে বিদ্যমান থাকে না। কাজেই এই জাতীয় লোকদের উপকারের দিকে দৃষ্টি না রেখে যারা অধমর্ণ ঋণগ্রহিতা তাদেরই দিকে দৃষ্টি নিবদ্ধ রাখা উচিত। কিন্তু যদি দরিদ্রদের মঙ্গলের জন্য ব্যবস্থা করতে যেয়ে তাঁদের টাকা পাবার ব্যবস্থা হ্রাস হোয়ে উঠে, তাহ'লে আমরা প্রকৃত প্রস্তাবে যাঁদের ভাল কোরতে চাইছি, তাঁদের মন্দই কোরে বসব। যেমন অনেক সময় ইঁদুরকে মারতে গিয়ে খাদ্যটা পোড়াবার ব্যবস্থা হয়। কাজেই আমি যে সংশোধনী প্রস্তাব কোরেছি এটার বিষয় বিবেচনা কোরবেন। অধমর্ণ হোয়ে তারা যখন ঋণ চাইবে তখন তাদের প্রতি যাতে উত্তমর্ণদের উৎপীড়ন না হয় তার সমস্ত ব্যবস্থা কোরতে হবে তেমনি সঙ্গে সঙ্গে দেখতে হবে উত্তমর্ণদেরও অধমর্ণরা যাতে বিপন্ন অবস্থায় না ফেলে তারও ব্যবস্থা কোরতে হবে। চারদিক থেকে যদি আটঘাট বেঁধেই থাকা যায় তা'হলে ঋণ পাবার আশাটাও জটিল হোয়ে উঠবে এবং ঠিক সময় ঋণ না পেয়ে অধমর্ণরা বিপন্ন হোয়ে উঠবে। এইজন্য আমি এই amendment এনেছি। তিন মাস পর পর হিসাব দিতে যদি তাদের বাধ্য করা হয়—তা'হলে তাদের প্রতি অন্যায় করা হবে। যে সমস্ত ধারাটা এই ২১ ধারাতে আছে সেইগুলি যদি মাজন করে বছরে ৪ বার কোরে হিসাব দিতে হয় এবং যদি সেই হিসাব না দিতে পারে তা'হলে তার জাবরি বেসমস্ত শাস্তিমূলক ব্যবস্থা ২০ ধারাতে করা হোয়েছে তার ফলে প্রত্যেক লোকই ঋণ দান কোরতে বিরত থাকবে।

অনেক সময় অনেক লোককে ঋণ দিয়ে সাহায্য কোরতে পারে কাজেই ঋণগ্রহীতাকেও কোন কোন বিষয়ে কিছুটা সুবিধা দেওয়া উচিত। তাকে একেবারে ধ্বংস কোরে ঋণ গ্রহীতাদের অর্থাৎ বিশেষ অবস্থায় যাদের ঋণ গ্রহণ অপরিহার্য হ'য়ে উঠে বিশেষ সর্ব্বনাশ করা হইবে মাত্র। একজন উত্তমর্ণের অবিমৃশ্যকারিতা শত শত অধমর্ণের বিনাশের কারণ ঘটাবে। সুতরাং ঋণ গ্রহণের ব্যবস্থা ঠিক রাখিয়া যাহা কিছু করা উচিত। এজন্য আমি আশা করি মাননীয় মন্ত্রীমহাশয় তিন মাসের জায়গায় ৬ মাস স্বীকার কোরে নেবেন।

Mr. SPEAKER: It is no use continuing now as it is time for adjournment.

I have been requested by the Opposition that they should be given a few minutes to consider their attitude. So, I propose to adjourn the House for twenty-five minutes.

(At this stage the House was adjourned for twenty-five minutes.)

(After adjournment)

Mr. SUBENDRA NATH BISWAS: Sir, in support of the two amendments that I have moved, I beg to draw the attention of the Hon'ble Mr. Suhrawardy and also of Mr. Siddiqi who I find, is not now in the House, to the fact that the Bill is being enacted not only to give relief to the rural people, but also to regulate the money-lending business of this province, irrespective of the money-lender's caste, creed, or community and also irrespective of the borrower's caste, creed, or community. May I ask the Hon'ble Mr. Suhrawardy whether he has considered the case where the money-lender and the borrower are both, say, Marwari gentlemen? His amendment with regard to the language in which the statements as required by sections 20 and 21, is to be given, is to the effect that this statement should be given either in Bengali or in English. Now if the money-lender and the borrower are both Marwaris, then should the borrower be given a statement of accounts either in English or in Bengali? Apart from the difficulty to which the borrower will be put, if he does not know either English or Bengali, from the point of view of the borrower, should he be satisfied with a statutory provision that he should not get a statement of his account in a language which he understands? So, I appeal to the Hon'ble Minister to consider this fact, which apparently he has not considered. Mr. Siddiqi has advanced the argument that in Bengal everybody should be conversant with the language of the province. Yes, that is absolutely correct, but to make it compulsory sounds like a penal provision. We are sitting here as legislators, and we are legislating for controlling money-lending by people of all communities and by people speaking many different languages. Then should we as legislators provide for such punishment on both the borrower and the money-lender when we feel that if these clauses are put into operation both the money-lender and the borrower will feel that they have

been penalised? Sir, we understand the position that this House has thought fit that a sound provision should be made for regulating the money-lending business of this province and this provision should go to the benefit of the borrower. Sir, that is an understandable position, but to inflict some punishment or to put some difficulty in the way of both the money-lender and the borrower, to nobody's benefit but only to their inconvenience, is a matter which, I think, should be seriously considered and should not be approved of by this House.

Sir, I am moving the motion of Mr. Jalan. Mr. Jalan earnestly requested me to put his case before this House—that he belongs to a community most of whose members have adopted Bengal as their home and who can speak Bengali but who cannot write Bengali. They have also many clients who can speak Bengali but cannot write Bengali, and if the borrowers belong to their community, they will suffer the most because they will not get any benefit out of the provisions of clauses 20 and 21 which are meant to provide for the benefit of the borrower. To this point, I draw the attention of the Hon'ble Minister and I request him to give due consideration to this point. If he thinks that this matter should be given due consideration, we are agreeable to this matter being postponed and vote taken to-morrow. With these words, I commend these amendments to the acceptance of the House.

Mr. SPEAKER: I hope, Dr. Sanyal, you would be very brief as I want, if possible, to finish all discussions on clauses 23, 24, 25 and 26 to-night and, if necessary, I will put such things as are contentious to-morrow.

Dr. NALINAKSHA SANYAL: Sir, I am afraid, it would be rather hard on me if you ask me to be very brief in my speech on four different amendments relating to four different subjects. I could have taken sufficient time for each one of these. Of course, I will not take any unnecessary time of the House, that much I can assure you.

Sir, I had moved the amendments that stand in my name and in moving them I had the intention of making the position further clear, which has already been stated in connection with clause 20. We had been solicitous of maintaining individual liberty when people would keep their own accounts in the language that they would like; but at the same time we of the Congress Party desire that so far as the borrower is concerned, he must have the maximum facility so that if the borrower so desires he must be entitled to have the accounts submitted to him, statements sent to him, all in the language in which he is conversant. The Bill provides for the Bengali language: nobody would be more happy than ourselves to stick to that language and that language alone; but, Sir, we are here out to bring relief to debtors. The borrowers may not all be such as would conveniently understand even the language

of the province, because we know that there are borrowers who may be just like some of our Hon'ble Ministers who do not understand the Bengali language properly and yet they may be borrowers—and some of them perhaps are. That being the position, you would not like them to be debarred from obtaining statement of accounts in the language that they would conveniently understand.

Sir, in our province there are money-lenders of different classes and communities speaking different languages: there are also borrowers speaking different languages and borrowers belonging to different communities. If my friends of the Coalition Party would have a look at the geography of the province they will readily realise that within the boundary of Bengal is included such tracts as the hill tracts of Darjeeling and Jalpaiguri districts where the population do not speak Bengali nor do they understand English. They have their own language, either Nepali.

The Hon'ble Mr. H. S. SUHRAWARDY: They understand Bengali.

Dr. NALINAKSHA SANYAL: The Hon'ble Minister says they understand Bengali. I would love to convert them into a group which would speak and write Bengali language; but probably the Vice-Chancellor of the Calcutta University will be able to tell the Hon'ble Mr. Suhrawardy that even for their examinations, they have had the special privilege of appearing in different languages and in languages other than Bengali, because Bengali is not their vernacular. If the Hon'ble Minister moving, or rather piloting, the Bill and the members of the Coalition Party desire that such fighting races as the Bhutanese or the Nepalese should be turned out of the boundaries of Bengal, of course they might insist on any kind of drafting as they like, but we do not feel that Bengal will be richer by keeping out Darjeeling or Jalpaiguri from the limits of this province. There are also people who, although they have practically adopted this province as their own, would like to maintain their culture and literature.

Mr. MIRZA ABDUL HAFIZ: Are they Marwaris?

Dr. NALINAKSHA SANYAL: There are of course some who come from Jaipur and Marwar. There are others who came some time or other from Ghazni or Ispahan and who guide the policy of the League Party in Bengal, but whether they come from Kabul or Ispahan or from Marwar or Jaipur, so far as I am concerned, so far as the borrower is concerned, I want the borrower to be given his statement in his own language.

I have contemplated two different classes of statements as conceived of in the two sub-clauses of clause 21.

In sub-clause 1, the statements that are to be provided are to be regular statements that the creditors are under the Act compulsorily required to provide every year during the first two months of the year to the borrower; that is legally required, and enjoined on every money-lender. In the subsequent sub-clause, that is sub-section (2), provision has been made that the borrower at other times than the stated period in the beginning of the year may on application obtain such statements. I want to make some distinction between these two classes of statements.

In the case of the first class of statements, that is the statement that the money-lender is compulsorily required to provide in the beginning of the year, there I do not propose to have any restriction either by way of fees or any limitation of the period. There we require the borrower to be given the maximum facility of obtaining every year regularly a statement of account as is provided in section 21. That statement will be provided to the borrower without any fees being required of him. But in the case of the second class of statements, that is periodical statements that a borrower himself on his own volition might seek to have, there, I suppose you would all agree, that it is but just and fair that the borrower should pay some fees to cover the expenses of preparing the statement. In the case of the annual statement the lender, irrespective of any consideration that he gets, has to provide an annual statement. That being the position, why should be borrower again seek to have periodical statements without any payment of fee? The position will be very awkward. In the month of *Jaistha*, the second month of the Bengali year, a lender has under the provisions of the Act already supplied a statement. In the following month of *Ashar* the borrower might write and demand other statements. If the provision as contained in the Bill is permitted to continue, the borrower will be entitled to another statement even in the course of another month. Thereafter, every three months the borrower will be entitled to yet another statement or statements without any payment of fees whatever. If the borrower has got a big account, the payment and withdrawal statements will certainly be big ones and the creditor will have to spend some amount of money on the preparation of the statements. If that statement has got to be given over and over again every quarter, without requiring any fees to be paid for the same, it will open out the gates for frivolous and vexatious demands for statements. That is exactly why I have proposed the reinstatement of the words that the Select Committee had thought fit to delete, namely, "on payment of the prescribed fee."

Mr. C. MORGAN: By majority.

Dr. NALINAKSHA SANYAL: Of course, if I am permitted to give out the discussion in the Select Committee, I am glad to say that both Mr. Morgan and myself desired that the payment of some fee should be maintained. In the second case—

Mr. MIRZA ABDUL HAFIZ: Now you are going with the Europeans——

Dr. NALINAKSHA SANYAL: We do not mind if the Europeans choose to go the right way and we go with them, but if the Europeans go the wrong way we do not care to keep them company.

Mr. MIRZA ABDUL HAFIZ: Are you going the right way with them?

Dr. NALINAKSHA SANYAL: We welcome you also to come to the right way with us.

Mr. SPEAKER: The time is coming for the parting of ways. (Laughter.)

Dr. NALINAKSHA SANYAL: That is why I moved the amendment regarding the payment of a prescribed fee

My other amendment relates to the period intervening between one statement submitted and another statement demanded. The Bill provides for not more than three months elapsing between one demand and another demand. I do not think there would be any hardship on the borrower if the period of demand is increased from three months to six months. This is another provision to put a stop to unnecessary and vexatious demands for statements of accounts. The approach that I have made has been all on the line of providing the maximum relief and convenience to the borrower but at the same time I would like the borrower to understand that he has also got a responsibility in this respect. If the borrower desires any long statement over and over again within a short space of time it is only fair that the borrower should be required to pay some little prescribed fee for the same. If, on the other hand, the borrower can remain satisfied with the annual statement that he gets, there can be no reason to demand any fee from him. The borrower gets his statement regularly every year, but when he would like to have a statement on his own demand let him be prepared to pay some reasonable fee. Here, so far as the prescription of the fee is concerned, I have left it entirely to the Government to decide. I have not sought to put any figure. I have not attempted to have any figure fixed for the fee, and I believe the members of the Coalition Party will have no objection to this amendment because their Government can

be made to prescribe such fee—if that is considered reasonable—as would be absolutely nominal, and yet for the time being it would have some little check on demands for frivolous and vexatious statements from period to period. With these observations, Sir, I place all these amendments of mine for the consideration and acceptance of the House.

Mr. SPEAKER: I find that most of these matters are connected with the question of language which you have postponed and from the drafting point of view there is just one matter which strikes me but about which I am not sure whether it is the intention of Government to consider. What strikes me is this: under section 21 there are two kinds of accounts to be supplied—one is the statutory requirement which the money-lender must comply with and the other he must comply with on demand. Now look at the proviso of sub-clause (2) of clause 21. There you find that the proviso is that the money-lender is not bound to comply with such demand if he has complied with a demand made not more than 3 months prior to the date thereof. Supposing he has complied with the statutory requirement and yet a demand comes a month after, he is bound to comply with it. I am not sure whether that is the intention but that is the effect, because the language is he must "comply with the demand". And that demand can come only under sub-clause (2) of clause 21. Whether Government propose to reconcile these two or leave the matter as it is, is one for them to decide.

Clause 23.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move that all the words of clause 23 excepting the explanation added to the clause be deleted and the explanation omitting the word "Explanation" be numbered as section 23.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that after clause 23 the following clause be inserted, namely:—

"24. Nothing in this chapter shall apply to a company and the Provincial Government may, by notification in the Official Gazette, exempt from the operation of this chapter any other body, corporate or incorporate."

This is a very important matter, and I hope you will permit me to speak next week.

Mr. SPEAKER: The amendments moved are Nos. 743, and 744. The discussion is now open.

Babu NAGENDRA NATH SEN: Sir, it is necessary that I should read clause 23 as it has emerged from the Select Committee. It reads as follows:—

"Notwithstanding anything contained in any law for the time being in force, in any suit to which this Act applies—

(a) a Court shall, before deciding the claim on merits, frame and decide the issue whether the money-lender has complied with the provisions of sections 20 and 21; and

(b) if the Court finds that the provisions of either of the said sections have not been so complied with it may, if the plaintiff's claim is established, either wholly or in part, disallow the whole or any portion of the interest found due as may, in the circumstances of the case, appear reasonable to the Court, and may also disallow costs, or in computing the amount of interest due upon the loan, the Court may exclude any period for which the money-lender omitted to comply with the provisions of either of the said sections:

Provided that if the money-lender has, after the time specified in the said sections, given the receipt or furnished the statement, as the case may be, and if he satisfies the Court that he had sufficient cause for not doing so earlier, the Court may include any such period in computing the interest."

Then, Sir, comes the Explanation. The question is that whether by this Money-lenders Act the disposal of a simple suit for money, say a suit valued at Rs. 20 or Rs. 200 based upon a simple bond or a promissory note, will be delayed by the provisions contained in section 23. In an analogous provision in the Bengal Tenancy Act we have it that if a tenure-holder does not or fails to have his name registered in the landlords' register, his suit for rent against the tenant stands the risk of being dismissed, but it is not for the Courts *suo motu* to enquire whether the landlord has taken steps to have his name registered under the Act. There is also an analogous provision in the Land Registration Act that if a proprietor does not have his name registered under Act VII of 1876 his suit for rent is liable to be dismissed, but the Court is not empowered *suo motu* to enquire whether a particular landlord has his name registered or not. The provisions in this clause are mandatory. The Court shall, before deciding the claim on merits, frame and decide the issue whether the money-lender has complied with the provisions of sections 20 and 21. The Court may reject a case, say a suit for money which may be valued at a very small amount or a large amount, even

if there is no contention between the defendant and the plaintiff money-lender. The question is whether it will be just and convenient to insist upon the Court having mandatory provisions like this. The Court shall have to enquire into the matter of its own motion whether the money-lender has complied with the provisions of sections 20 and 21. This I submit to you, Sir, is a most vexatious procedure. If there is no contention between the money-lender and the borrower, why should the Court be empowered to see whether the provisions have been complied with or not? If the Court is to be given the power, it should be made clear why you insist upon the Court having that power or why do you require it of the Courts that these facts should be enquired into? After all, Sir, when the provisions of sections 20 and 21 are something with which the money-lender and the borrower are concerned and when in a suit before any Court the money-lender or the borrower has no contention as amongst themselves, why impose upon the Court a further obligation to enquire into all these matters? Then it may be said that clause (*b*) provides that the Court may remit or disallow the claim for interest or disallow the claim for cost, but these powers are discretionary. The question is whether a Small Cause Court should be called upon to investigate these questions. Take a number of instances—take the case of the Calcutta Presidency Magistrates' Court and of the Small Cause Court in which there are a large number of suits which are decided *ex-parte* and some are decided on contest. And I restrict the number of suits which are on money borrowed on receipt. Take, for instance, the Provincial Courts of Small Causes under section 12 of 1887—what is their number? In each district, in each subdivision, there are at least 1,000 cases annually which are decided *ex-parte*. If you have got 25,000 such cases, you can easily realise whether the machinery for administering the law and justice is sufficient, they may be called upon to decide them without any rhyme or reason. The money-lenders are bound to be penalised for non-compliance with the provisions of sections 13, 13A, 14 and 15. I think, these provisions should be taken to be sufficient—whether a money-lender has not given his borrower an annual account which he is required undoubtedly to furnish, whether the money-lender has not furnished to his borrower the statement on demand as is provided in sub-section (*2*) of section 21, whether these are matters into which it would be worth while for the Court to enquire even in a non-contentious suit which the Court is called upon to decide.

Now it may so happen that so far as clause 21, sub-clauses (*1*) and (*2*), are concerned, I submit that the major communities of this province, the Hindus and Muslims, will be put to great difficulty when they are not in a mood to do business. The Hindus during the *Puja* holidays and the Muslims during the month of Ramzan, when both the communities observe their religious ceremonies, cannot be expected to

comply with the provisions of clause 21(2), and in that case I doubt whether it would be judicious to invest the Courts of law dealing with cases *ex-parte* to deal with matters mentioned in clause 23, or whether it would be wise to invest the Court with discretionary powers to mulct the unoffending money-lenders of their cost or interest. It may be said that the Court may always exercise its discretion judicially. There can be no question about that. But further facts have got to be taken into account—whether in dealing with such questions every day of the month, year in and year out, the judicial officers may not be irritated by the provisions of this law as we are going to enact by the revision of clause 23. Therefore, in order to make matters simple, I propose that the whole of clause 23 be deleted. But, of course, I do not bring into this category the Explanation for the revision of which my friend Rai Harendra Nath Chaudhuri has tabled an amendment.

Mr. SPEAKER: It seems Mr. Sen is not anxious to go home, as I intend to adjourn the House after he finishes his speech.

Babu NAGENDRA NATH SEN: Sir, sometimes there may be delay in the performance of our duties.

Now, I would appeal to the Hon'ble Minister and to the members of the Coalition Party to look into the legislations which have been enacted and are in force in the sister provinces of Bihar, Orissa, Madras and the United Provinces. I submit, Sir, that in those Legislatures they have thought it wise to insist upon a legislation of this nature. And therefore I beseech, request, and entreat the members of the Cabinet and the members who support Government to give this matter their kind, wise, and anxious consideration, and instead of keeping the Small Cause Courts and the Courts for the determination of small causes, not to invest them with power to decide title suits with their intricacies.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, in addition to the points made by my honourable friend, Mr. Nagendra Nath Sen, I would like to draw the attention of the Hon'ble Mr. Suhrawardy to one very serious matter. I doubt whether within the time at his disposal he has been able to consider the real import of section 23. If I may draw the attention of the House to sub-clause (a) of clause 23, the sub-clause runs thus: "a Court shall, before deciding the claim on merits, frame and decide the issue whether the money-lender has complied with the provisions of sections 20 and 21". Now, Sir, section 21 reads thus: "Every money-lender shall, within two months of the commencement of each year, furnish each of his borrowers with a legible statement of account in *Bengali* signed by him ....", and so on. Therefore, let us consider for one moment what the issue before the

Court will be. The Court will have to decide the preliminary issue in each case as to whether the lender has complied with the provisions of section 21—I am leaving out section 20 for the moment—and compliance with the provision of section 21 means that the money-lender has furnished each of his borrowers with a legible statement of accounts in Bengali. The Court is not confined to the case of the particular borrower who happens to be the defendant. The Court under this section is bound to raise the issue whether the provisions of sections 20 and 21 have been complied with, and confining itself to section 21, the Court has to decide whether this particular money-lender has furnished each of his borrowers, of whom the defendant is only one, a legible statement of account in Bengali. If that has to be decided, the Courts instead of doing justice will become veritable engines of oppression.

I am sure, I am almost sure, that the Hon'ble Minister in charge of the Bill has not had his mind directed to this aspect of the question. In these circumstances, and particularly having regard to the fact that we have penal provisions in the Bill such as clauses 14, 15 and 39, I would ask the Hon'ble Minister to consider whether it is proper to convert simple suits on loans into State trials, the cost of which will be saddled on the defendant, if the defendant happens to lose

Mr. SPEAKER: Well, anyway, that is a point which is for the Hon'ble Minister to consider and for honourable members of the House to think over.

I may say that I wish to dispose of all subsisting provisions of this Bill which have been left over, up to clause 27, and also to take up clause 28 by to-morrow, if possible.

Dr. NALINAKSHA SANYAL: Sir may I submit that clause 28 be left over till after the interval, because that is a controversial provision of the Bill, and we will require a little more time to consider it in all its bearings?

Mr. SPEAKER: I am prepared to do that, if at least the miscellaneous provisions are taken up in the meantime.

Dr. NALINAKSHA SANYAL: Miscellaneous provisions?

Mr. SPEAKER: Yes.

Dr. NALINAKSHA SANYAL: But the miscellaneous provisions are connected with clauses 33 and 34.

Mr. SPEAKER: That is not contentious; they only deal with instalments, power of instalment, and re-opening of transactions.

Rai HARENDRA NATH CHAUDHURI: That is a very vital matter, Sir.

Mr. SPEAKER: Maybe; but they can be decided straightaway.

Babu NAGENDRA NATH SEN: Is it possible, Sir, that we shall be able to finish this Bill before the seventh of this month?

Mr. SPEAKER: We must do it. If the progress is not satisfactory, we may have to sit earlier. It is no use asking honourable members to come again for the disposal of a few clauses. It would be much better to finish the whole Bill as quickly as possible.

Adjournment.

The House was then adjourned till 4-45 p.m. on Friday, the 2nd of June, 1939, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 2nd June, 1939, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 6 Hon'ble Ministers and 203 members.

Mr. SPEAKER: The starred questions will stand over. As regards the unstarred question, the Hon'ble Mr. Mullick wants further time to give a fuller reply.

Revised Programme of Business.

Mr. SPEAKER: As regards the programme of business, I understand that it is not the intention of Government to continue the session for the next few days. So we will have no session from to-morrow till the 14th when we meet again.

Babu NAGENDRA NATH SEN: Sir, it was only yesterday when the information was given to the House that we will have sittings on the 5th, 6th and 7th. To-day we find that the fixtures have been altered by Government. Whether this conduct of the Government is permissible, it is for you to decide.

Mr. DHIRENDRA NATH DATTA: Sir, we have got our duties. Is it not criminal waste of public money to continue our business in this way?

Mr. RASIK LAL BISWAS: সভাপতি মহাশয়, অতি গরম হয়েছে তার জন্য আমাদের শরীর বিশেষ ভাল ছিল না। এত কষ্ট হচ্ছে যে কখন ফিট হয়ে পড়ব ঠিক নাই। কাজেই Session এখানেই বন্ধ করে ছুটাছুটি আপষ্টে করলে ভাল হয়। নইলে আমাদের দৈহিক প্রাণ এখানেই রেখে যেতে হবে।

Mr. NIKUNJA BEHARI MAITI: This is no fixture at all.

Mr. JOGESH CHANDRA GUPTA: May I, Sir, through you, request Government benches to give us at least three days' notice, if not a full week's notice, about their intention. We have got to adjust

our work, and, besides the convenience of Government, there is a little convenience of the Opposition and that also ought to be taken into consideration. I think, Government is entirely mistaken to claim the monopoly of convenience and inconvenience for themselves. In this House, there are others who are not with the Government and whose convenience and inconvenience ought also to be considered. If they want to postpone the business, let them postpone it till at least after a good shower of rain has fallen in Bengal and the atmosphere has cooled down.

Mr. SPEAKER: Let us hope, there will be a good shower in the meantime.

GOVERNMENT BILL.

Bengal Money-lenders Bill, 1939.

Mr. SPEAKER: Mr. Suhrawardy, may I know what Government have decided about Chapter IV? There are certain pending motions.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, may I know, what happened to my amendment about "order of Court"?

Mr. SPEAKER: I will immediately put the amendment on "order of Court."

The Hon'ble Mr. H. S. SUHRAWARDY: Regarding this, there is my motion to delete it (No. 500A).

Mr. SPEAKER: What about section 20?

The Hon'ble Mr. H. S. SUHRAWARDY: With regard to section 20, I am afraid, Government stand by the motion that they made yesterday, namely, "in Bengali, or in English."

Mr. SPEAKER: What about the point raised regarding sub-clause (*a*) of clause 21?

The Hon'ble Mr. H. S. SUHRAWARDY: I propose adding that to this effect provided that the money-lender shall not be bound to comply——

Mr. SURENDRA NATH BISWAS: Sir, may we know what is the point that is being discussed?

Mr. SPEAKER: The point is that Government do not want to increase from three months to six months. They are prepared to have an amendment to the effect that in case a man has not merely complied with the demands but also supplied a statement in accordance with the first provision of section 21, then he will not be required to give three months' notice.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am prepared to meet the Opposition further; I am prepared to change "three months" to "six months." May I read the amendment as it will stand?

Mr. SPEAKER: Yes.

The Hon'ble Mr. H. S. SUHRAWARDY: The proviso will be—"Provided that the money-lender shall not be bound to comply with such demand if he has complied with a demand made not more than six months prior to the date thereof or if within such period of six months he has furnished the statement required by sub-section (*1*)."

Mr. SURENDRA NATH BISWAS: Still you are not going to accept our amendment!

The Hon'ble Mr. H. S. SUHRAWARDY: I am accepting your amendment.

There is another amendment which I would like to accept—that is with regard to "30 days"—"within 30 days from the date of receipt of the written demand by the money-lender or his agent."

Mr. SPEAKER: What about clause 23?

The Hon'ble Mr. H. S. SUHRAWARDY: With regard to clause 23, the point raised by Mr. Sarat Chandra Bose yesterday was that if we merely comply with the provisions of sections 20 and 21, it will mean that the Court will have to make enquiry into the question as to whether all the borrowers have been so supplied. It is a little bit far-fetched. We may add after sections 20 and 21—"in respect of the claims of the suit." We can meet only up to that.

Rai HARENDRA NATH CHAUDHURI: Sir, may I speak on our amendment?

I would like to invite the attention of the Hon'ble Minister to the objectionable point involved in this clause and to the question that has been raised by our amendment. Our amendment specifically raises the question whether any and every suit for recovery of a loan should be converted into an action questioning the money-lender's *bona fides* or

conduct of business with reference to sections 20 and 21 of this Bill. So far as this Bill is concerned, it proposes to invest the Provincial Registrar with the right to refuse as well as to cancel the licence of the money-lender if the money-lender do not conform to the provisions of this Bill. Section 14 also confers on any borrower the right to apply to the Court for cancellation of his money-lender's licence. If you look to section 15, you will further find that the Court has also been given the right to see that the money-lender conforms to the provisions of the Act; otherwise the Court may also cancel his licence. Then, Sir, an omnibus provision has also been made in clause 39. There the Bill provides for certain punishments to money-lenders who do not conform to the provisions of this Bill. That being the case, we claim to know what justification can there be for further imposing upon the Court a duty, in the trial of every suit for the recovery of a loan, to enquire into the fact whether or not the money-lender has complied with the provisions of sections 20 or 21; because that enquiry, where necessary, the Court may choose to do in connection with the right which has been vested in the Court by clause 15 of this Bill. We therefore think it wholly unnecessary that in every suit for the recovery of a loan, the Court will be under obligation to frame an issue regarding the conduct of the money-lender with reference to sections 20 and 21.

The question whether a money-lender has complied with certain provisions of the Act or not is a very material question indeed in connection with his trading licence. It should not affect his right to recover a loan advanced by him and Government should apply its mind to this aspect of the question. Government should explain why the money-lender's right to recover his money should be fettered thus and say why it is necessary to have, besides the provisions that are contained in sections 13, 13A, 14, 15 and 39, sub-clause 23(*a*) or I should say clause 23 at all. If the Government cannot fully explain that, Government will be better advised to delete the whole clause, minus, of course, the explanation.

Mr. SPEAKER: Since there are penal provisions given.

Rai HARENDRA NATH CHAUDHURI: Not only that, there are other provisions also. If you will look to 14, 13A, you will find that the Provincial Registrar and the whole of the Registration Department are there to see that the money-lender conforms to the provisions of the Act.

Mr. SPEAKER: So far as the money-lender is concerned, your point is that since there are penal provisions, what is the necessity of civil action again?

Rai HARENDRA NATH CHAUDHURI: Civil action being also provided for in sections 14 and 15 why should any and every suit for the recovery of a loan be converted into an enquiry into the money-lender's business conduct?

The Hon'ble Mr. H. S. SUHRAWARDY: The Court must. Even if that clause is not there, before the Court gives a decree for the plaintiff, it has got to satisfy itself that the claim is well founded and therefore the plaintiff has got to satisfy the Court that the accounts are being properly kept and that they have been kept in the prescribed manner, because this is the only account that after the passing of this Act we can recognise, and that thereafter the accounts have been submitted to the borrower. I think that is a very salutary provision, that such an issue should be framed. After all we have known many instances and too many instances of persons coming into the Courts without summons having been served on the defendants and in a perfunctory manner just giving an *ex parte* evidence have got decrees in cases of this type. We think it is proper that we should satisfy the Court in all the details and should show to the Court that a money-lender has kept his account books in the proper manner and that he has delivered his statement of accounts and that when he says that he has received the money from the borrower, he has delivered the receipts and that within two months of the beginning of the Bengali year he has delivered a statement of accounts, so that he can definitely state that the defendant knows all about it and therefore he is entitled to a decree. If all these provisions that we have made in sections 20 and 21 for the purpose of satisfying ourselves and everybody else are accepted, the borrower knows exactly the position in which he stands and he is from time to time apprised of his liabilities to the money-lender, then I think the Court before it passed the decree should be satisfied that the borrower has been kept apprised of his liabilities.

Then the question of penal clause 23 (*b*). The point is that there are penalties that have already been awarded under sections 13 and 39. Why should this penalty, which is a very very small penalty, be objected to. This is a very petty penalty and a self-contained penalty for the infringement of rules under sections 20 and 21. From the point of view of the money-lender himself, I think it is much better that he should get away with a portion of his interests and of costs if he is not guilty and then that he should at the same time be held liable under section 39. I take it that penal provision under section 39 is not likely to be exercised if the money-lender is also liable to any other penalty which he has had to suffer. For these reasons I think the section as it stands may be passed.

Babu NAGENDRA NATH SEN: May I ask only one question of the Hon'ble Minister?

Mr. SPEAKER: Yes.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister kindly say with reference to clause 23A whether the enquiry by the Court in an *ex parte* case should be regarded —

Mr. SPEAKER: He has already said.

Rai HARENDRA NATH CHAUDHURI: Yes.

May I put another question to the Hon'ble Minister?

Mr. SPEAKER: Yes.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state whether the holder of a trade licence in every case has to justify his conduct in relation to the licence before realising his claim against a client? If not, why the holder of a money-lending licence should be put under the obligation to justify his business conduct in every suit in which he happens to be a plaintiff?

The Hon'ble Mr. H. S. SUHRAWARDY: It is not a question of justifying his conduct. It is a question of proving his claim and satisfying the Court that his borrower is fully aware of the transactions. May I point out one thing more, that in section 39 if any action has to be taken, it can only be taken on the complaint in writing of the Provincial Registrar or Registrar or a person authorised on behalf of the Provincial Registrar or the Registrar. You cannot expect that if the Court finds that he has not acted in the manner as required by the Act, he should apply to the Provincial Registrar for action and then it should be in a position to take action under the law.

Mr. SPEAKER: Now we will take up all the subsisting matters. The House will remember that the Hon'ble Mr. Suhrawardy moved an amendment for the deletion of the word "by order of a Court" in clause 13B. I shall now put that question.

Dr. NALINAKSHA SANYAL: We would like to have discussion on that.

Mr. SPEAKER: So far as this matter is concerned, it was discussed fully.

Dr. NALINAKSHA SANYAL: May I submit that you will kindly refresh your memory?

Mr. SPEAKER: I quite remember that the whole clause 13 was discussed, because Government wanted to move amendments and certain points of view were raised: one in connection with section 19 on conviction and the other in connection with section 13 about the deletion of the words "by order of a Court."

Dr. NALINAKSHA SANYAL: When these words "by order of a Court" were proposed to be deleted, if I can remind you, Sir, I jumped up and said that it would have disastrous consequences and the result would be serious; and therefore I wanted the matter to be postponed for further consideration and decision.

The Hon'ble Mr. H. S. SUHRAWARDY: May I point out, Sir, that it is a fact that Dr. Sanyal did jump up and wanted to speak. You were good enough to say that when this matter would be taken up he would get an opportunity to speak.

Mr. SPEAKER: I must say I don't remember anything. Dr. Sanyal, do you want to discuss it? This is such a small matter.

Dr. NALINAKSHA SANYAL: It is not such a small matter as the Hon'ble Mr. Suhrawardy considers it to be.

Mr. DHIRENDRA NATH DATTA: He has not explained it to the House.

The Hon'ble Mr. H. S. SUHRAWARDY: I have explained it privately to Dr. Sanyal.

Dr. NALINAKSHA SANYAL: But not to the House.

The Hon'ble Mr. H. S. SUHRAWARDY: I feel that the words "by order of the Court" should be deleted; otherwise, there may be ambiguities which will be raised by ingenious lawyers in court. Sir, the House will see that under section 12A (*1*) a person is disqualified for holding a licence on two grounds, (*a*) if, so ordered by a Court under section 15 for the period ordered, and (*b*) if he has been convicted of any offence specified in the Schedule.

Now, Sir, in both these cases of course there is the order of the Court. The conviction is by an order of the Court and there is a specific order under section 18. What I fear about is this, that if "by order of the Court" is kept in clause 13 (1) (b) then it may be held to have reference only to 12A (1) where it is so stated that a person shall be disqualified if so ordered by a Court. It may be argued that this does not apply to the case of a person who has been convicted of any offence specified in the Schedule, and by deletion of the words "by order of the Court" we make it quite clear that the application for the grant of a licence shall not be refused except on the ground that the applicant or any person responsible, or proposed to be responsible for the management of the money-lending business is under this Act, namely, under sections 12A (1) (a) and (b) disqualified. We do not want any ambiguity.

Rai HARENDRA NATH CHAUDHURI: Why not mention those sections then?

The Hon'ble Mr. H. S. SUHRAWARDY: "Under this Act" is good enough.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I oppose this amendment of the Hon'ble Mr. H. S. Suhrawardy. The power to refuse to grant a licence is a rather important privilege which cannot be ordinarily granted to, or retained in the hands of, a humble Government servant like a Sub-Registrar, unless this power is specifically defined. Clause 13 sought to so define the grounds on which the Sub-Registrar could refuse to grant a licence. There were only two series of conditions under which, and under which alone, the Sub-Registrar was proposed to be empowered to refuse a licence. The first series are covered by sub-clause (a) and the second series by sub-clause (b). Under sub-clause (a) it is contemplated that if an applicant for a licence has not complied with the requirements of the provisions of this Act, by virtue of which compliance alone he can be entitled to receive a licence, a Sub-Registrar can refuse him the licence, so that here is hardly any scope for dispute and the Sub-Registrar can, and it is presumed will, ordinarily point out to the person concerned that his application is defective and that his application has not complied with such and such rule or rules and therefore he is unable to grant him the licence. Thereafter, the applicant may rightly revise his application and put in a fresh application within the provisions of the Act and get a licence issued to him. That is contemplated in sub-clause (a). In sub-clause (b) the other series of cases are contemplated in which specifically "under order of a Court" if a person is declared

ineligible to hold a licence (The Hon'ble Mr. H. S. SUHRAWARDY: By the Court.) if a Court has declared a person disqualified under the Act to hold a licence—.

The Hon'ble Mr. H. S. SUHRAWARDY: The word "declared" is not there.

Mr. SPEAKER: Dr. Sanyal, I don't want to interrupt you, but in view of the analysis which you have given what I want to say is this. The House has already accepted 12A(*1*) (*a*) and (*b*). The first part is "if so ordered by a Court under section 15, etc." and the second part is a disqualification, namely, "convicted of any offence etc." The House has already accepted these two sub-clauses, whereas under clause 13, power is vested in the licensing officer to issue a licence which can be refused in case the applicant has been convicted of an offence. That is the point of Mr. Suhrawardy.

Dr. NALINAKSHA SANYAL: I will just come to that. In sub-clause (*b*) provision is made against whereby there will be no dispute possible if the Court has specifically declared that a particular person is ineligible or disqualified for holding a licence and therefore the Sub-Registrar has no scope for exercising his own individual judgment or discretion as the Government of India Act might put it. Sir, there was thus hardly any scope left for the Sub-Registrar to go beyond these two definite grounds for rejecting an application for a licence. Under section 19, Sir, which has been adopted, as my beloved colleague Mr. Saganka Sekhar Sanyal has already pointed out to you, when a person gets convicted for an offence that he practically did not know of, you compel the person who has not been a criminal to become a criminal. Under section 19 there is a penalty provided for a person not declaring himself to be debarred from holding a licence if he has been so debarred under the provisions of this Act. It is quite possible that the person concerned may have been convicted under certain sections, but he may not know that conviction under those sections necessarily involves his loss of the right to function as a money-lender. Sir, section 19 having been passed and in the course of that, it was pointed out that a person concerned might not have any occasion to know that he was incapable of holding a licence, that also having been ruled out by the House, there is this necessity of retaining the words "by order of the Court under section 13". Under section 13(*b*), if the words "by order of the Court" are retained, it will so mean that there must be a specific order by the Court. While the Court would punish the offending person under some of those sections mentioned in the Schedule, these Courts would also, probably along with that punishment give them a direction that as a result of this

conviction they are debarred from holding a licence. If after that the person falsely declares in an application or withholds the information which has to be declared in the application, then there could be justification in having a penal clause of imprisonment as is provided in section 19; otherwise, merely because there has been a situation under which most unwillingly and unknowingly also he finds himself in a position in which he cannot get a licence, he will come under the mischief of this Act if these words "by order of the Court" are deleted. I would like the Hon'ble Mr. Suhrawardy to consider the situation carefully and to realise that since there is no machinery provided by which the person concerned may be directly informed by some intimation either from the Court or from any other agency that a certain conviction he had undergone had involved him in the disability of holding a licence, it is only fair that there should be these restrictive provisions left. Further, if it is his intention to cover merely clause 12A(*a*) (*or* (*b*)—that intention should be specifically mentioned under section 13(*b*), namely, that "where an applicant is disqualified for holding a licence under section 12A"—there would be even then hardly any scope for the Sub-Registrar exercising his individual judgment. Sir, having the experience of the work of the petty officials in the mufassal, we submit that it would not be desirable to leave such wide scope in the hands of the Sub-Registrars under this Act to refuse to grant a licence on the ground of disqualification having been created by an indefinite situation, which, again, the Sub-Registrar is not bound to disclose or give any explanation for. Sir, that is exactly why I oppose the amendment proposed.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, I am drawing the attention of the Hon'ble Mr. Suhrawardy to certain cases. Suppose a person, convicted of noting with theft, applies for licence. Should he obtain the licence? You, Sir, as an eminent criminal lawyer, will bear me out.

Mr. SPEAKER: My difficulty is that I feel that this discussion should have been under clause 12A.

Mr. SURENDRA NATH BISWAS: Sir, the words "by order of a Court" in clause 13 do not refer to clause 12A. The disqualification under clause 13 refers to clause 15. But clause 12A relates to clause 13A, that is, after a licence is granted, the Sub-Registrar may cancel it if the licensee is disqualified. Now, if these words "by order of a Court" are deleted, clause 13 will be controlled by clause 12A, and then a person who has been convicted for a technical offence of theft will not be given a licence. I am drawing the attention of the Hon'ble Minister to such cases. Suppose a person is charged for

rioting in a paddy field under section 148 together with section 379. Even if it is not a regular theft of paddy, he may be convicted under section 379, and if he is a money-lender and wants to get a licence, he will not be given it. Now, Sir, such was not the intention of the framers of the Bill nor of the Select Committee. The framers of the Bill and the members of the Select Committee intended that such a person should be given a licence and that his licence will be cancelled only if he is found to be disqualified under section 12A. Now, Sir, as I have already stated before the House, if a person convicted for a technical offence under section 379, do not get a licence although he may not be a thief as contemplated by the Hon'ble Minister, this will cause a very great hardship to many money-lenders living in the villages. That is a point to which I want to draw the attention of the Hon'ble Minister. Another point is that I want him to read clause 13 together with clause 15. The cases which are contemplated under clause 13(*b*) where by an order of the Court a person may be found to be disqualified are cases which are referred to in clause 15. If you read clause 15 (*b*), the Court here under certain proceedings may find a money-lender or his agent disqualified. In such cases alone, the Sub-Registrar may refuse to give him a licence. Sir, that was exactly the intention of the Select Committee when they redrafted clause 13. We want that provision. If a person who was convicted previously before the enforcement of this Act should not be debarred from getting a licence, similarly, those persons who, after the enforcement of this Act, are found to be technically guilty of the offence as contemplated by the Hon'ble Minister, should be given a chance of getting a licence. In any case, Sir, as stated clearly in clause 13(*b*), such a disqualification must be made by an order of the Court. So, the deletion of the words "by an order of the Court" makes a lot of difference. Many innocent persons will be debarred from getting licences and their money-lending business will be absolutely destroyed. If Government wants that there shall be no money-lending business from now, let the Hon'ble Minister say so, and in that case let him also legislate to the effect that a borrower must not borrow any money. But, Sir, there is no denying the fact that the necessity for borrowing remains. We cannot legislate against the necessity of borrowing and as long as that necessity is there, there will be borrowers to borrow money and there must also be lenders to lend it. Be that as it may, if Government desires to stop money-lending, we shall be satisfied if a clause is inserted to the effect that there shall be no money-lending business. With these words I oppose the amendment of the Hon'ble Mr. Suhrawardy.

Mr. NISHITHA NATH KUNDU: Mr. Speaker, Sir, I think that the Hon'ble Mr. Suhrawardy has done quite well in moving an amendment to delete the words "by order of a Court" in clause 13(*b*).

They seem to be quite redundant here, because clause 12A provides for disqualification of persons for holding a licence. So, if a person is found disqualified under clause 12A, then and then only he may be refused licence under clause 13.

Then again, Sir, there is another clause, namely, sub-clause 2(a), clause 13, which provides that in refusing licence under sub-clause (1)(b) a Sub-Registrar "shall record the evidence of the disqualification." So, Sir, there is no ground for apprehension that a licence may be refused by the licensing officer on any flimsy ground.

Therefore, I think that the Hon'ble Mr. Suhrawardy has acted rightly in moving that amendment for the deletion of the words "by order of a Court." These words are unnecessary.

I support the Hon'ble Minister's motion.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, so much ingenuity has been displayed by the opposition on this question and there has been such a plethora of imaginary things, that I feel that I would have been more justified in accepting this amendment than in offering it.

Dr. Nanyal wants to import words here which do not exist, namely, "has been declared disqualified by a Court." There is nothing like that in the Act at all, and as a matter of fact, the Sub-Registrar, however poor a specimen he may be, has not been left with any discretion in the matter, because as soon as the record is placed before him he cannot refuse a licence under clause 13(1)(b). (Rai HARENDRA NATH CHAUDHURI: Your suggestion is to remove the record because you want to delete those words?) No, no. Look at clause 13(1)(b). (Rai HARENDRA NATH CHAUDHURI: Surely it is.) No, it is not at all necessary, when we are talking about refusal of a licence, that there should be any fresh order of the Court. (Rai HARENDRA NATH CHAUDHURI: No question of fresh order. An order of the Court is a record, and you want to remove that evidence.) Sir, I have pointed out again and again why an order of a Court is redundant. There is no reason for that. It is a matter of interpretation, and my interpretation is that there is no need for it and that it will only give rise to imaginary arguments later on. (Rai HARENDRA NATH CHAUDHURI: That is a matter of opinion.)

The motion of the Hon'ble Mr. H. S. Suhrawardy that in clause 13(1)(b) the words "by order of a Court" be omitted, was then put and agreed to.

Mr. SPEAKER: Now, I come to the regulation of accounts and money-lending. There was full discussion of it yesterday. So, I will put the amendments one after another from clause 20 onwards.

The Hon'ble Mr. H. S. SUHRAWARDY: I understand, Sir, that some members of the Coalition Party would like to speak.

Mr. SPEAKER: All right.

Mr. AHMED HOSAIN: Mr. Speaker, Sir, I rise to support the Government amendment on clause 20(1).

The effect of that amendment will be that as regards keeping of accounts, it will be allowed either in Bengali or in English.

Babu NAGENDRA NATH SEN: What amendment is that?

Mr. AHMED HOSAIN: They are Nos. 609 and 610. As I was saying, Sir, the effect of the Government amendment will be that in regard to keeping of accounts, it will be allowed in English or in Bengali and as regards submission of accounts to the borrower, it will be allowed in Bengali or English according to his choice.

Sir, in the Select Committee, it was decided by most of the members both of the Opposition and of the Coalition side that Bengali should be the language in which the accounts of a money-lender should be kept. Even Dr. Sanyal supported that motion in the Select Committee.

Mr. SPEAKER: Order, order. You cannot disclose what transpired in the Select Committee.

Mr. AHMED HOSAIN: I stand corrected, Sir.

The addition that has been made is English after the word Bengali and.....

Dr. NALINAKSHA SANYAL: That is a serious addition.

Mr. AHMED HOSAIN: Dr. Sanyal thinks that there is politics in it. He thinks that English has been introduced to satisfy the European Group and he threw a chief jibe at the Government yesterday. But, Sir, that is not the fact. I dare say that next to Bengali the language that is most easily understandable in Bengal nowadays is English.

Dr. NALINAKSHA SANYAL: I did not suggest any concession to the Europeans. Now, it is changed.

Mr. ABU HOSSAIN SARKAR: Why English?

Mr. SPEAKER: Mr. Abu Hossain Sarkar, if you interrupt in this way, it is very difficult to conduct the business of the House. I hope you will not do it again.

Mr. AHMED HOSAIN: I maintain, Sir, next to Bengali English is the most easily understandable language because it happens to be the Court language and it is the language of the Crown. It is also in English that most of the accounts of loan offices, banks and of the respectable firms are kept and the English mode of accounting is very simple.

Dr. NALINAKSHA SANYAL: Do you know that

Mr. SPEAKER: Dr. Sanyal, this is about the twentieth time that you have been interrupting the speaker. How do you like if your own speech is interrupted in this way?

Dr. NALINAKSHA SANYAL: The members of the Coalition Party also interrupt in this way.

Mr. SPEAKER: They have taken this habit from you. I hope you will realise the difficulty of a speaker when he is interrupted in this way.

Mr. AHMED HOSAIN: Another advantage of the introduction of English from the point of view of the borrower is that there may be some borrowers who are not Bengalis who are upcountry men with regard to them English will be easily understandable. Thus it is manifest the alternative language, viz., English, has not been introduced only to satisfy the Europeans. It has been introduced in order to supply an easy alternative. Dr. Sanyal yesterday spoke about Urdu, Guzrati, Gurmukhi and various other languages. Sir, the borrowers, at least the rural borrowers are not concerned with Urdu or Gurmukhi. The rural borrowers are concerned with Shahas, Marwaris and loan offices. Shahas and loan offices keep their accounts either in Bengali or in English.

Mr. SASANKA SEKHAR SANYAL: Not in English.

Mr. AHMED HOSAIN: Yes; they keep them either in Bengali or in English. There is no trouble with regard to Shahas and loan offices. But all the trouble is with regard to Marwaris. Their mode of accounting is so very difficult and labyrinthian, and it causes so much trouble to the borrowers that we could do nothing else but to introduce Bengali in its place. Every lawyer present here knows what difficulty the Marwari mode of accounting causes. The Court has to accept the

version of the Marwaris themselves and it has to be satisfied with copies of translation of their account books. The Court cannot compare any account given by a Marwari in one part with other parts of the book, because that is Hebrew to the Court, because nobody else other than the Marwaris can decipher a word of that. So our principal aim in introducing Bengali has been to free and lead out the rural borrowers from the labyrinthian maze of the Marwari mode of accounting.

Sir, it has been said that Government ought not to have interfered with the private mode of accounting by a firm or a money-lender. But here Government are interfering with that portion only which concerns money-lending. As regards accounts concerning commerce, trade, etc., the Bill does not interfere for the Bill has specifically removed commercial loans, etc., from its purview. So the money-lender has to keep his books either in Bengali or in English with regard to money-lending business only. His private accounting, his private *khatas* are not at all touched by this Bill. Another thing is that this Bill contemplates some supervision of accounting and book-keeping of the money-lenders. The Bill prescribes that at least a ledger, a cash book and a receipt book must be kept and they must be written in Bengali or in English. Had it not been prescribed that these books should be written in Bengali or in English, they it would have been difficult for such Government officers, as the Registrar or Sub-Registrar, that is, those who are going to grant licences, to see whether they are keeping their books, according to law or not. Another thing is that the Court will have sometimes to supervise those books. As regards section 23, it will have to frame a specific issue that books of accounts are kept and accounts are given in certain forms. Unless the books of accounts are kept in Bengali or in English, the Court cannot examine or supervise them.

With these words I support the Government amendment.

Mr. J. W. CHIPPENDALE: Sir, the remarkable fact which has been disclosed by the discussion before the House is that most of the members of this House seem to imagine that borrowers are only Bengalees and Hindusthanis. They quite forget that large number of Anglo-Indians also borrow. Now, Sir, accounts have to be kept and accounts have to be rendered. What is the principle on which accounts have to be rendered? The borrower ought to know how he stands—whether the money that he pays has been entered correctly, what is due, what is the interest he is charged and what is the interest he is paying. All these facts the borrower has a right to know. Therefore, the question before the House is really not in what language the accounts are to be kept, but in what language the lender has to render his accounts. Furthermore, Government has got to issue instructions as to how the accounts are to be kept. Now, Sir, it is very, very strange that some of the true sons of Bengal should advocate the keeping of accounts in

the language of the Marwaris, quite forgetting that the Bengali language is flexible enough to express anything and everything in this world. The Court language in Bengal is Bengali. If you go to the mufassal, you will find that plaints, written statements, petitions of complaint and all other business are done in Bengali. Why should Gurmukhi, or the language of the Marwaris or any other language come into Bengal and displace Bengali? We Anglo-Indians are always called upon to learn Bengali, and so we do. Many of us are quite capable of speaking and reading Bengali. Why should you want us who are also sons of Bengal, to go out of our way and learn the language of the Marwaris? The position is absurd. So, I think, that it is quite reasonable to enforce them to keep the accounts either in Bengali or in English.

Dr. NALINAKSHA SANYAL: Why in English?

Mr. J. W. CUPPENDALE: English, because it is the language of commerce and industry. You yourself have learnt English and address the House in English. I myself also address in English. There are very many Bengali gentlemen in this House who can speak and write in the English language better than they can in the Bengali language. This is an admitted fact. Once upon a time, I had to address a jury. The Bengali Judge asked me, "Will you please address (the Jury) in Bengali?" I said, "Certainly". Whenever I could not express myself in Bengali, I used the English language. You must put in English words, otherwise Bengali is not fashionable or complete. So there is no question of learning Bengali without learning English. Hence, the borrower is entitled to have his accounts either in Bengali or in English. English is the language of the Government in all matters. Here we talk in English; English is taught in schools and colleges. Everybody is taught English in Bengal. So there must be nothing else but Bengali or English. These are the two languages of the borrower in this province. A man who borrows in the mufassal is a peasant and the man who borrows in the town of Calcutta is either a Bengali or an Anglo-Indian. Therefore, I submit that the language must be Bengali or English and no other vernacular; we do not want Marwari, Mahratti or any other language in Bengal. Bengali and English are more than enough.

The Hon'ble Mr. H. S. SUHRAWARDY: It is not necessary for me to say anything after the two very able speeches.

Mr. JATINDRA NATH BASU: Mr. Speaker, Sir, may I speak one word on this?

Mr. SPEAKER: If you want to speak it is very difficult for me to resist you. Anyway, I hope you will be very brief.

Mr. JATINDRA NATH BASU: I admit that the question that is being discussed is not free from difficulties. There is no question that the statement of accounts that should be furnished to the debtor should, as far as possible, be in the language of the debtor. But as regards the keeping of books, there is this difficulty that a man who carries on trade including money-lending has during the whole course of his business and generations before him have had their accounts kept in a particular language and accountants of their own people have kept their account books. For instance, a man who lives in Bombay has a set of accountants here who write his books in the Gujrati language and he has been accustomed to rely on them. It will be difficult for him to change that set of accountants completely and have his books written out in another language as directed by the provisions of this Bill. There are other instances also. The case of the Marwaris who do a considerable amount of business in this province is similar. We cannot deny that; they are very helpful in the sale of commodities grown in this province and in importing commodities from foreign countries. They have for generations been keeping their books in their own language and the books are kept very carefully according to their own methods. Will you now compel them to discontinue that method, discharge their old and trusted hands and in their place employ a new set of men whom they do not know quite well and upon whom they cannot place full reliance? It will be placing them in a position of great hardship. This is a point which, I submit, Government should carefully consider. As regards the keeping of accounts, it should be in the language in which the lender has been used to keep his accounts. I oppose the amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: I feel a certain amount of sympathy with this point of view. That was the reason why I took time to consider this question. The advantages of one side are greatly outweighed by the disadvantages of the other, in case we permit the money-lender to keep his book of accounts in his own language or in any language that he pleases. Mr. J. N. Basu has not appreciated the good point raised by Mr. Ahmed Hosain which is to the effect that there are certain sections of this Bill under which the money-lender has got to keep his accounts in a prescribed form and in a particular manner. Now, Sir, if the books of accounts are maintained by the Marwaris or Sikhs or Nepalese or foreigners in their own language and in a manner in which they keep them, it will be very difficult for anybody, not conversant with their language to be able to find out whether the terms of this Bill and of these various clauses are being complied with or not. In order that the Bill may be effective, there

must be inspection and the Court itself must be in a position to say whether these accounts are being kept according to the terms of the Bill.

Now the point has been raised that so far as monetary transactions of the Marwari gentlemen are concerned, obviously they are extremely of a complicated nature and this Bill may result in changing the entire set of accountants or supplementing them with other Bengali or English-knowing people. As we have excluded commercial loans, we have excluded commercial transactions; this Bill will only apply to loans and money-lending business. If a Marwari house which is carrying on commercial transactions wants to keep its account in its own language, it may continue to keep it in that manner, but so far as the money-lending transactions are concerned which have nothing to do with trade and business, for that we do require that it should keep the book of accounts in a language which might be easily understood and the borrower himself may be in a position to know whether the various entries are being properly maintained or not.

Mr Chaudhuri talked about employment and said it might increase the employment of Hindus and solve the problem of unemployment to some extent. I wish them the best of luck, and I hope it will succeed in doing so.

The motion of Dr. Nalinaksha Sanyal that in clause 20 (*f*), in line 4, the words "in Bengali" be omitted was then put and lost.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in clause 20 (*f*), line 4, after the words "in Bengali" the words "or English" be inserted was then put and a division taken with the following result:—

AYES 99.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hadi, Mir Mirza.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Jabbar, Maulvi.
Abdul Karim, Mir.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mir. Md.
Abdulla-al Mahmood, Mir.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mir.
Abdur Raghib Mahmood, Mir.
Abdur Rauf, Khan Sahib Maulvi A.
Abdur Rauf, Mir. Shah.
Abdur Razzak, Maulvi.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Quasem, Maulvi.
Afzal Hossain Khandal, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hoshim, Mir.
Alhaeddin Ahmed, Khan Bahadur Maulvi.
Ainuddin, Khan Sahib Maulvi.
Ajhad Hossain Khan, Maulvi.
Akbar Ali, Maulvi.
Barik Ali, Md. Md.
Birdwyre, Sir Henry, Bart.
Blagescloek, Mr. L. M.
Brown, Mr. A. O.
Chippendale, Mr. J. Wo
Clark, Mr. I. A.
Das, Mr. Ananda Chandra.
Das, Rai Bahadur Kirit Bhusan.
Dass, Babu Debendra Nath.
Ebden, Mr. Upendranath.
Fazlul Reza Chowdhury, Mr. H.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman (Bhagalpur), Mr.
French, Mr. F. H.
Golam Sarwar Hussini, Mr. Shah Syed.
Gomez, Mr. S. A.
Griffiths, Mr. G.
Gupta, Mr. J. N.

Gurung, Mr. Damber Singh.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hosain Murshid, Mrs. M.B.E.
Hendry, Mr. David.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kaiyruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahiruddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Bhrat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozammel Haq, Kazi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Soleiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Phiin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Nasarullah, Nawabzada K.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Pafiram.
Ross, Mr. J. B.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sanaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Sarkar, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Lila Munda.
Smith, Mr. H. Urghart.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Zahur Ahmed Choudhury, Maulvi.

NOES—62.

Abdul Jabbar Paiwan, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jitendra Nath.
Chakrabarty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das, Mr. Manmohan.
Dasgupta, Babu Khagendra Nath.
Dasgupta, Srijut Harendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emadadeq Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Abhajit Kumar.
Majumdar, Mrs. Purnaprova.
Mal, Mr. Jaiwar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Mahiruzzaman Islamabadi, Maulana Md.
Meghul Hossain, Mr.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Pramanik, Mr. Tarinicharan.
Ramiruddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shebodeli, Mr.
Singha, Babu Kshetra Nath.
Sinha, Srijut Maniendra Bhusan.
Sur, Dr. Narendra Kumar.

The Ayes being 99 and the Noes 62 the motion was carried.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in clause 20(2)(*a*), line 3, after the words "in Bengali" the words "or English as the borrower may desire and" be inserted was then put and agreed to.

The motion of Maharaja Sashi Kanta Acharyya Choudhury that in clause 20(2)(*a*), line 3, after the words "in Bengali" the following words be inserted, namely—

"or in such other language as may be agreed upon between the money-lender and the borrower and"

was then put and lost.

[illegible]

The motion of Dr. Nalinaksha Sanyal that in clause 21(*l*), in line 3, the words "in the language of the borrower or" be inserted after the word "accounts" was then put and lost.

The motion of Mr. Shahedali that in clause 21(*l*), line 3, for the words "in Bengali" the words "in the vernacular of the debtor" be substituted was then put and lost.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in clause 21(*l*), line 3, after the words "in Bengali" the words "or English as the borrower may desire" be inserted was then put and carried.

The motion of Mr. I. D. Malan moved by Mr. Surendra Nath Biswas that in sub-clause (*l*) of clause 21, in line 3, after the words "in Bengali" the following words be inserted, namely, "or in the language understood by the borrower, or in such other language as may be agreed upon between the money-lender and the borrower" was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 21(2), in line 5, the words "and on payment of the prescribed fee" be inserted after the word "outstanding" was then put and lost.

The motion of Mr. Rasik Lal Biswas, as amended, that in clause 21(2), in line 7, after the words "in the demand", the following words be inserted, namely, "within 30 days from the date of receipt of the written demand by the money-lender or his duly authorized agent" was put and agreed to.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in clause 21(2), line 7, after the words "in Bengali" the words "or English, as the borrower may desire" be inserted, was then put and agreed to.

Mr. SPEAKER: The following motion should naturally fall through, but still I will put it:—

The motion of Mr. Surendra Nath Biswas that in sub-clause (2) of clause 21, in line 7, after the words "in Bengali" the words "or in the language understood by the borrower or in such other language as may be agreed upon between the money-lender and the borrower" be inserted, was then put and lost.

The motion of Dr. Nalinaksha Sanyal that in clause 21(2), in line 7, the words "in the language of the borrower or" be inserted after the word "statement", was then put and lost.

The motion of Sj. Narendra Nath Das Gupta that in the proviso to clause 21(2), line 3, for the word "three" the word "six" be substituted, was then put and agreed to.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in clause 21(4), for the words "Bengali year commencing on the first day of Baisakh", the words "year for which the accounts of the money-lender are ordinarily maintained in his own books" be substituted, was then put and agreed to.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that in line 3 of the proviso to clause 21(2), the following be added after the words "the date thereof":—

"or if within such period of six months he has furnished the statement required under section 21(1)".

The motion was put and agreed to.

Clause 23.

The motion of Rai Harendra Nath Chaudhuri that all words of clause 23 excepting the explanation added to the clause be deleted and the explanation omitting the word "Explanation" be numbered as section 23, was then put and lost.

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to move that in clause 23(a), line 3, after the word "has," the following words be inserted, namely:—

"in respect of the claim in suit".

The motion was put and agreed to.

Clause 24.

Dr. NALINAKSHA SANYAL: You will pardon me, Sir, if I request you to leave out clause 24 for the time being. It is one of the few clauses——

Mr. SPEAKER: Yes, if I get an assurance that clauses 25 and 26 will be finished before the prayer adjournment.

Clause 25.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 25(*b*)(*aa*)(*b*), line 3 thereof, for the words "all information necessary to enable him to comply with the provisions of this Act relating to the obligation to supply information", the words "in the form as prescribed, all information" be substituted.

Sir, I beg also to move that in clause 25(2), lines 8 to 9, the following words be omitted, namely:—

"and shall also be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both".

Sir, I beg to move that in clause 25(2), lines 4 and 5, the following words be omitted, namely, "with imprisonment which may extend to one year or"

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 25(2), line 5, for the words "one year" the words "three month" be substituted.

Sir, I beg to move that in clause 25(2), line 5, for the words "one thousand" the words "one hundred" be substituted.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 25(2), in line 6, the words "or with both" be omitted.

Clause 26.

Dr. NALINAKSHA SANYAL: Sir, this clause will take a long time. As you will see from the very clause itself, there cannot be a more hopeless drafting than this. If you do not allow us to move short-notice amendments, you should not allow Government also to do so. But as a matter of fact, Government have been bringing forward short-notice amendments every day at the last moment.

Mr. SPEAKER: Dr. Sanyal, I may remind you that the first short-notice amendment was yours.

Dr. NALINAKSHA SANYAL: This is also a party amendment.

Mr. SPEAKER: But I have not got it; on the other hand Government have given due notice of their short-notice amendments every day.

The Hon'ble Mr. H. S. SUHRAWARDY: In respect of clause 26, Sir, Government do not propose to move any amendments other than those of which notice has been given.

Rai HARENDRA NATH CHAUDHURI: That may be so, but we are not talking of Government amendment to clause 26. With regard to clause 26, Sir, we are going to give notice of an amendment. This clause is hopelessly drafted.

Mr. SPEAKER: May I know what is your amendment?

Rai HARENDRA NATH CHAUDHURI: Certainly, Sir.

(Mr. Chaudhuri went over to Mr. Speaker's seat and handed over the amendment to him.)

Mr. SPEAKER: Mr. Suhrawardy, clause 26 runs thus: "subject as hereinafter provided, the provisions of this Act shall continue to apply . . . ." and so on.

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir.

Dr. NALINAKSHA SANYAL: Let us take clause 26 after the recess, Sir.

Mr. SPEAKER: All right. The discussion is now open on clause 25.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, will you give me the liberty of moving an amendment to clause 25?

Dr. NALINAKSHA SANYAL: You want indulgence! (Laughter from Congress Benches.)

Mr. SPEAKER: Mr. Suhrawardy, what amendment do you want to move on clause 25?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I want to move an amendment to the effect that instead of the word "money" the words "a loan" should be used in clause 25(1)(c).

Mr. SPEAKER: Maulvi Abu Hossain Sarkar had a similar amendment, namely, No. 780, standing in his name, but he did not move it.

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir. But amendment No. 780 is in the wrong place.

Mr. SPEAKER: Then you want to move amendment No. 780?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir. I also want to move that in clause 25(1)(c) the word "money" should be substituted by the word "loan".

Babu NAGENDRA NATH SEN: Then you are not moving amendment No. 780?

The Hon'ble Mr. H. S. SUHRAWARDY: No.

Mr. SPEAKER: Discussion is now open on clause 25.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, by my amendment No. 782 I simply want to make it clear that information is to be supplied by the assignor to the assignee, so that the assignee may comply with the provisions of this Act as to the state of loans and copies of documents relating to the transaction under assignment.

Sir, sub-clause (1)(b) of clause 25 states that at the time of assignment a money-lender shall supply to the assignee all information necessary to enable the assignee to comply with the provisions of this Act which relate to the obligation to supply information as to the state of loans and copies of documents relating thereto.

Sir, if any information is left out or withheld by the assignor, then the assignor shall be penalised under sub-clause (2). Further, there are some other punishments provided under sub-clause (3), viz., that if he omits to supply the necessary information, then he shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees or with both.

Sir, double punishment has been provided for the assignor if he fails to supply any bit of information which may be required by the assignee to be able to comply with the provisions of this Act.

Now, Sir, my amendment is very simple. I want the Government to state what information is necessary to enable the assignee to comply with the provisions of this Act, and I want that this information should

be supplied in the prescribed form. If the information is required to be furnished in the prescribed form, then the assignor will be able to supply the required information, and there shall be no room for penalty for not supplying any information which the assignor might not think necessary, but which the assignee might require under this law in order to be able to comply with the provisions of this Act. Sir, the provisions of this Act will be very much complicated, and it may not be possible for a lay-man assignor to know all the details of the provisions of this Act for which information will be necessary. So, Sir, I submit that if my amendment is accepted by Government, it will not affect anybody, because I simply want a prescribed form, by which the Provincial Government may lay down that such-and-such information is necessary and should be supplied by the assignor to the assignee so that the former may supply the information without any difficulty; otherwise he will have to rack his brains or to seek legal advice to know the implications of the sub-clause. Even in that case also, he is liable to commit mistakes. Sir, in order to protect the assignor from unnecessary harassment and from unintentional trouble, I submit that this amendment is necessary and should be accepted by Government.

Then, Sir, with regard to my amendment No. 58, I might say that I want that the punishment instead of being double should be single. Sir, if my amendment is accepted, then any person who acts in contravention of any of the provisions of this section shall be liable to indemnify any other person who is prejudiced by the contravention of this Act.

Now, that is quite sufficient punishment if he happens to have omitted to supply any information or to give any document which might not be available at the time of the transaction. I submit, Sir, that under these circumstances if anybody—I mean the judgment-debtor of the assignee—is prejudiced, then the assignor will be liable to indemnify the person who will be affected by the omission. Sir, the Bill provides that he will also be liable to punishment, with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees or with both. It is nothing short of being highly penal. Sir, my view-point is, as I have already explained several times, that this law should not be converted into a second edition of the Indian Penal Code. We are here to regulate money-lending business, and certainly to see that there should not be any loop hole for the money-lenders to evade the provisions of the law.

Now, for similar reasons, I beg of the Government to consider the other position also that there should not remain any loop hole for any person to set the court in motion to punish a money-lender for an unintentional action on his part. Besides, Sir, this is absolutely a civil matter. If by such omission the assignor commits any wrong, for this wrong the person aggrieved may sue the assignor for civil damages and

those damages will be quite sufficient amends for the injury, if any, done to him. So, Sir, for this purpose I do not think that we should make a provision that the assignor, who is civilly liable, should also be made criminally liable to punishment with imprisonment which may extend up to one year or with fine. With these words, I commend my amendment to the acceptance of the House.

Mr. SPEAKER: I find there was an omission on my part. I understand that the new amendment No. 28 was moved by Mr. Suhrawardy in clause 20, but it has not been put.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in clause 20(*b*), line 3, for the words "and shall write the same" the words "and the same shall be written" be substituted, was then put and agreed to.

Rai HARENDRA NATH CHAUDHURI: Sir, I rise to support my learned friend Mr. Surendra Nath Biswas, so far as his amendment No. 784 is concerned. Sir, the amendment relates to clause 25, and clause 25 is a matter between the assignor and the assignee. Under the provision embodied in this clause the assignor is bound to do two things—in the first place, to give a notice to the assignee that the debt, interest or any agreement or security is affected by the operation of this Act, and, secondly, he is bound to supply the assignee with all information necessary to enable him to comply with the provisions of this Act. Now, Sir, if the assignor withholds this notice and the information that he is required to convey to the assignee, why should he be made punishable with imprisonment, we, for ourselves, cannot understand. At best he can be made liable for civil damages, for the loss that the assignee may have sustained, for this is after all a matter between the assignor and the assignee. For defective title causing loss to a transferee no transferor of property is made liable to criminal punishment; he is only liable for civil damages, if there be any loss to the transferee. I would ask the Government to further apply their mind to this matter and not to insist on imprisonment or fine.

Mr. DHIRENDRA NATH DATTA: Sir, I rise to support the motion moved by my friend, Mr. Surendra Nath Biswas, and also to support my motion. I feel, Sir, that so far as the motion of my friend Mr. Biswas is concerned, this ought to be accepted by Government. What is required is this. In clause (*b*) under section 24, it is required that the assignor shall have to give certain information to the assignee relating to the state of loan, etc. This information is necessary for the assignee because the assignee shall have to furnish accounts under section 21 of this Act. This information is necessary, and my friend Mr. Biswas also wants that the assignor should give this information. He wants that this information should be embodied in a form prescribed by the Government so that there may not be any mistake. He wants

that this information which the assignor is bound to supply to the assignee should be embodied in the form prescribed by the Government so that there may not be any mistake. It will come to this. All information regarding the state of the loan and copies of documents relating thereto is to be supplied by the assignor to the assignee in the form prescribed by Government. I submit, Sir, that this is a position which ought to be accepted by the Government. Government should prescribe a form in which all the information which the assignor is bound to supply to the assignee should be embodied, so that there may not be any mistake. So with respect to this amendment, I think, the Hon'ble Mr. Suhrawardy and the Government are in duty bound to accept it, because it is absolutely necessary. There is a provision in the Act itself that if the information is defective, the assignor is not only civilly liable but also becomes criminally liable. So, I submit, probably all the House, including the Hon'ble Minister, who, I find, is talking with some members—I think, Sir, he must give undivided attention to this important matter—should support this amendment, because if the information be found defective, not only is the assignor civilly liable, but he will also be criminally liable. So this information must be embodied in a form prescribed by the Government so that there may not be any mistake——

Dr. NALINAKSHA SANYAL: Sir, we have been noticing for some time past that the Minister in charge is sleeping and the gentleman who is piloting the Bill has not the courtesy to listen to the discussion. In the Central Legislature, you may remember, Sir, some time ago, when one Member of the Viceroy's Executive Council did not attend properly to the debate, he was given a rebuke by the President. Sir, I would like to know if it would be permissible for the Hon'ble Minister who is piloting the Bill to treat the debate in the fashion he is doing and to indulge in such talks——

The Hon'ble Mr. H. S. SUHRAWARDY: Whom are you talking of? The Minister in charge of the Bill is sitting over there.

Dr. NALINAKSHA SANYAL: He is sleeping.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I see my friend has really awakened me from my sleep. There is nothing of much importance in the Bill now left. (Mr. JOGESH CHANDRA GUHA: Nothing. (Laughter.) So, the small matter that is left can very well be looked after by my junior. I am very glad at the manner in which he is managing the affair, and I do not believe he has done anything up till now which deserves any remark like this from my friend Dr. Sanyal.

Dr NALINAKSHA SANYAL: He is going to send people to jail!

Mr. ABDUR RAHMAN SIDDIQI: On a point of order, Sir. May we know whether the Chair would permit such frivolous remarks about Hon'ble Ministers and whether the honourable member was fully justified in saying that the Hon'ble Minister was actually sleeping? I think, it is a parliamentary right to sleep. Sir, I take this matter very seriously because if the impudence shown by certain members against the etiquette of a House of Parliament is permitted.

Dr. NALINAKSHA SANYAL: Don't talk nonsense. (Cries of "Withdraw", "Withdraw" and "Get out", "Get out" from the Coalition Benches.)

Mr. SPEAKER: Order, order, Dr. Sanyal —

Rai HARENDRA NATH CHAUDHURI: Sir, he has used the word "impudence" —

Mr. SPEAKER: I must say that while one side is speaking any intervention like this is becoming too much for this House, Dr. Sanyal.

Mr. JOGESH CHANDRA GUPTA: I would draw the attention of the Hon'ble Speaker to the statement made by my friend Mr. Siddiqi. Is the use of the word "impudence" by a member of this House parliamentary and permissible? The word "impudence" evoked the retort.

Dr. NALINAKSHA SANYAL: On a point of explanation, Sir. I have great respect for my friend Mr. Abdur Rahman Siddiqi. He knows that well enough. Certainly in his enthusiasm to support a Minister or Ministers he must not be carried away to the extent as he allowed himself to be carried away just now.

Maulvi ABU HOSSAIN SARKAR: Is any member of this House entitled to ask another member to get out?

Mr. SPEAKER: I am not prepared to answer a hypothetical question.

Maulvi ABU HOSSAIN SARKAR: It is not a hypothetical question. I may mention names.

Mr. DHIRENDRA NATH DATTA: I want to know if the point raised by me is being followed by the Hon'ble the Minister in charge

of the Bill or the Hon'ble Minister in charge of Labour who is piloting the Bill. My point is a very important one; that is, the information must be embodied in a prescribed form. I want to draw the attention of the Hon'ble Minister to the fact that not only will there be civil liability but criminal liability as well.

Then I put the next point that is the amendment regarding the penal clause in sub-section (2) of section 25. It has been said there that if the assignee gives information that the assignor has acted in contravention of the provisions of this Act—

Dr. NALINAKSHA SANYAL: May I again draw your attention to the fact that the Minister in charge is talking and the other Minister is sleeping.

Mr. SPEAKER: It is not your business to see, Dr. Sanyal, what the Ministers are doing. It is always a parliamentary practice for the Minister to consult his legal adviser or his party men on any important point that is raised. And such consultations are frequently made not merely by the Ministers but by the opposition also. I consider your point to be a trivious one.

Mr. DHIRENDRA NATH DATTA: I want the undivided attention of the Hon'ble the Minister in charge. Sub-section (2) lays down that any person who acts in contravention of any of the provisions of this section, that is, if he makes a mistake with regard to the information that is necessary to be given to the assignee as to the state of his accounts, he will not only be civilly liable but it has been provided that he shall be criminally liable also and the punishment that has been provided is imprisonment which may extend to one year or a fine of Rs. 1,000 or both. Here there is a case in which a person who makes a legitimate mistake in giving the information required, will be not only civilly liable but may be punished with imprisonment which may extend to one year and with a fine which may extend up to Rs. 1,000. I submit, to say the least of it, it is a very heavy punishment. I think civil liability would have been sufficient, but if you want to make him criminally liable also, you will agree with me that certainly one year is very excessive and three months will be quite sufficient to meet the requirements of the case. The fine of Rs. 1,000 is atrocious. I think Rs. 100 is sufficient. My view is that civil liability is sufficient. But if you want to make him criminally liable also, the sentence of three months' imprisonment and a fine of Rs. 100 are quite sufficient. I hope the Hon'ble Minister will accept this amendment which is a reasonable one. With these words I move the amendment which stand in my name.

Mr. SANTOSH KUMAR BASU: It was not my desire to intervene in this debate, but I find that the provisions of this clause are such as to leave the offence which it purports to create in a region of absolute uncertainty and vagueness. If the Hon'ble Minister who disclaims piloting the Bill but who is probably drafting the Bill nobody knows where, will care to look at the provisions of this clause, he will see that by this clause an offence is sought to be created which cannot possibly be proved in a court of law and if a prosecution is launched, it will be extremely difficult for the accused to make out his defence. The assignor shall, before the assignment is made, give to the assignee notice in writing that the debt, interest thereon, agreement or security is affected by the operation of this Act. That one can understand. But in the case where the debt is in respect of money advanced by a money-lender, failure to supply to the assignee all the information necessary to enable him to comply with the provisions of this Act would be an offence. Is this the language, are these the words in which an offence is solemnly created for the purpose of prosecuting an alleged offender in a court of law? What is the real gravamen of this offence? It is said that he must supply to the assignee all the information necessary to enable him to comply with the provisions of this Act. The very vagueness, the very uncertainty, which is disclosed in these words would at once stamp it as an utterly inefficient drafting of a penal clause. I would certainly shudder to find a section like this in the Indian Penal Code. If power has been conceded to the Provincial Legislature to amend the Indian Penal Code or to create an offence, certainly we must take care that offences are formulated in such a manner as to make it absolutely precise and definite not only from the point of view of the prosecution but also of the defence. I would appeal to your experience to find out whether these words are precise enough to create an offence and whether these words would give sufficient notice to the alleged prospective offender as to what he is going to be charged with. He must supply to the assignee all the information necessary to enable him to comply with the provisions of the Act. If the draftsman could not think of any more precise words to enunciate or formulate an offence, the offence had better be left out of the provisions of the Bill. As it is I submit it leaves any number of loopholes and it lacks so much in precision that I think this provision ought to be dropped or ought to be kept back for further consideration if they want seriously to create an offence by means of this Bill.

The clause requires the supply of information "relating to the obligation to supply information as to the state of loans and copies of documents relating thereto". They might as well have required information mentioned in such and such sections of the Act. One could have understood that. But they don't say that. What they say

is "all information necessary as to the state of loans". It is delightfully vague, vagueness crystallized in these few words. If they wanted to store up unforeseen trouble for the money-lender, assignor, debtor, assignee and everybody else concerned, they could not have framed this provision in a more vague and more unsatisfactory manner. This clause requires that the assignor has got to supply all information necessary to enable the assignee to comply with the provisions of the Act relating to the obligation to supply information as to the state of loans and copies of documents relating thereto. If you are creating an offence, let the assignor know in definite terms what action on his part will make him a criminal, so that by refraining from it he can avoid the prison-house. You cannot make it dependent upon the failure of the assignor at some future date to satisfy the hunger for information exhibited by the debtor. If you want to create an offence, specify the sections of the Act, the contravention of which will constitute an offence. You cannot try to paraphrase in this clause in different language those sections the contravention of which will constitute an offence. That in itself is fundamentally wrong.

Mr. SPEAKER: Mr. Suhrawardy, in clause 25 (*ee*) (*a*) you find that "where in respect of a loan the assignor shall before the assignment is made give to the assignee notice in writing that the debt, interest thereon, agreement or security is affected by the operation of this Act".

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir, I realise it, but somehow or other this has been the Act in England since 1927. This section has been taken almost *verbatim* from section 16(*l*) of the Money-lenders Act of 1927 even excluding the words which are termed to be delightfully vague, namely, "all information necessary to enable him to comply with the provisions of this Act relating to the obligation to supply information as to the state of loans and copies of documents relating thereto", and the punishment for the offence thereof is not one year as stated here but two years, not Rs. 1,000 as stated here, but £500.

Dr. NALINAKSHA SANYAL: Will you kindly read out the whole section?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, the section reads as follows:—

"Where any debt in respect of money lent by a money-lender, whether before or after the commencement of this Act or in respect of interest on any such debt or the benefit of any agreement made or security taken in respect of any such debt or interest is assigned to any

assignee the assignor, whether he is the money-lender by whom the money was lent or any person to whom the debt has been previously assigned shall before the assignment is made (a) give to the assignee notice in writing that the debt, agreement or security is affected by the operation of this Act, and (b) supply to the assignee all information necessary to enable him to comply with the provisions of this Act relating to the obligations to supply information as to the state of loans and copies of documents relating thereto and any person acting in contravention of any of the provisions of this section shall be liable to indemnify any other person who is prejudiced by the contravention and shall also be guilty of a misdemeanour and shall in respect of each offence be liable on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one pounds or to both such imprisonment and fine."

(The House was then adjourned for 15 minutes.)

(After Adjournment.)

Mr. SANTOSH KUMAR BASU: Sir, I am indebted to my friend, the Hon'ble Mr. Suhrawardy, for drawing the attention of the House to the provisions of section 10 of the British Money-lenders Act, 1927. In fact, the words that he has read out closely follow the lines of the draft in the Bill which has been presented before us or rather *vice versa*. The present Bill follows the lines of the British Act, but I would invite my friend's attention to the state of affairs obtaining in the mofassal in this country and to compare or contrast it with the state of affairs obtaining in England. In the matter of general education of the people sought to be affected by this Bill, as well as the equipment and training of the lower grade criminal Bar in the mofassal, the conditions in this country are so widely different from those in England, that the formulation of offences with similar vagueness would be wholly unjustified.

Mr. SPEAKER: I think in view of the points raised by Mr. Santosh Kumar Basu, don't you think, Mr. Suhrawardy, that it would be better to postpone the consideration of this matter? There are just two points which I would like to be examined. The first is as to whether this penal clause is at all necessary, in view of the fact that you have got a general clause where there is a penal provision. In view of that, is this separate penal provision necessary? The second point is as to whether the British Money-lenders Act is in consonance with the present Money-lenders Act which might justify the present provision. Incidentally, I might also say that you have inserted the words "a loan" in place of "money" in the second line, but you have not done so in the subsequent lines.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I move it wherever the word "money" occurs, namely, in clauses 25(*1*)(*i*) and (*1*)(*b*).

I also move that the word "loan" be substituted for the word "money" in clause 25(*1*)(*iii*).

Mr. SPEAKER: Then, we might postpone amendment No. 780 and all the amendments to clause 25 for the present, but it may be taken that the discussion on them is finished.

Mr. SANTOSH KUMAR BASU: I am thankful to you, Sir, for this suggestion, and I hope Government will accept it. With regard to the penalties, I find that Government has adopted the provision in the British Act which provides for a special penalty for the offence created by this section, which does not find place in the general section for penalties. I submit that the whole matter might be reconsidered.

Mr. SPEAKER: I think, amendment No. 741 and all the amendments to clause 25 may be left over.

Mr. MANMATHA NATH ROY: Sir, I had thought that speeches or arguments were not necessary to induce the Government to accept Mr. Surendra Nath Biswas's amendment so far as the question of providing prescribed forms for the supply of information was concerned. It is just possible that a particular assignor in perfect good faith but under some mistake or misunderstanding, and quite innocently fails to supply the information necessary under this clause. It seems to me, Sir, that the prescribed forms are all the more necessary because a failure to supply the information will result in heavy penalties extending up to imprisonment. I strongly urge the Government to accept that amendment. Government has provided prescribed forms with regard to accounts. Why then the Government does not agree to provide forms in which the necessary information should be supplied? Then, Sir, the Hon'ble Mr. Suhrawardy has referred to the English Act. Quite apart from the fact that that law applies to England, and the law under discussion would be applicable to this country, it seems to me that the proposed amendment is a decided improvement upon the English Act. It is common experience that Courts differ, and while one Court may consider a certain information to be necessary another Court may hold that information to be not necessary. In order to avoid such a contingency and such serious and depressing consequences to the assignor, it seems to me that it is very necessary that forms should be prescribed in which the necessary information should be supplied so that the obligation of the assignor in this matter might be clarified. I still hope that this amendment will be accepted by the Government.

Dr. NALINAKSHA SANYAL: May I draw your attention, Sir, to amendment No. 535 which has not been put?

Mr. SPEAKER: Yes, I remember.

The Hon'ble Mr. H. S. SUHRAWARDY: As Mr. Santosh Kumar Basu has pointed out, he has adopted the amendment of Government, viz., the words "in the British Money-lenders Act of 1926," and if English lawyers in England can understand it, Sir, I think the more astute lawyer in Bengal will understand it still much better.

Dr. NALINAKSHA SANYAL: You first try to understand it yourself. You are more astute than all others.

The Hon'ble Mr. H. S. SUHRAWARDY: I think Rai Harendra Nath Chaudhuri might consider the amendment himself a little bit more with reference to section 17 of the British Money-lenders Act, and it may be that he may not like to move the amendment on the next occasion.

Mr. SPEAKER: I may inform the House that, as we are postponing discussion of Chapter V and clause 26 for the present and in view of the long adjournment that we shall have, we must know beforehand what we shall take up when we meet next. Is it the desire of the House that on the first day we meet after the adjournment we should take up assignment of loans, clause 27 and then the other items?

Rai HARENDRA NATH CHAUDHURI: Yes, Sir.

Mr. SPEAKER: There is only one amendment, No. 539, which has been left over. I have not put it to vote yet.

Mr. SASANKA SEKHAR SANYAL: The Hon'ble Minister has said that he will consider the matter about fine for not producing a licence.

Mr. SPEAKER: Mr. Suhrawardy, his point is whether the fine should be Rs. 50 or Rs. 10 for each day.

The Hon'ble Mr. H. S. SUHRAWARDY: There is no point in it. What is the harm if it is Rs. 50 or Rs. 10?

Rai HARENDRA NATH CHAUDHURI: When it is a question of daily fine, then why haggle over it?

The Hon'ble Mr. H. S. SUHRAWARDY: There won't be any trouble. We must leave some discretion to the Courts.

Rai HARENDRA NATH CHAUDHURI: Then why not make it Rs. 5,000?

Mr. JOGESH CHANDRA GUPTA: Sir, may I appeal to the Hon'ble Minister for Justice—the bona-fide Minister for Justice and not the Deputy Minister (Laughter.) to consider this matter? They will all be going to Darjeeling, where they will have a much better atmosphere than they have had here all these days. After considering the matter, let the Judicial Minister come and tell us what we should do and what we should not do. Let not this matter be rushed through.

Adjournment.

The House was then adjourned till 4-15 p.m. on Wednesday, the 14th of June, 1939, at the Assembly House, Calcutta.

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